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1 EASTERN INTERIOR REGIONAL ADVISORY COUNCIL
2 PUBLIC MEETING
3 Tanana Community Hall
4 Tanana, Alaska
5 February 4, 1997 - 8:30 a.m.
6 VOLUME I

7 COUNCIL MEMBERS PRESENT:
8 Craig Fleener, Chairman
9 Philip J. Titus
10 Nathaniel Good
11 Steve E. Ginnis
12 John A. Starr, Jr.
13 Timothy Sam
14 Randy A. Mayo
15 Charles P. Miller, Sr.
16 Vince Mathews, Coordinator

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P R O C E E D I N G S

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3 Heavenly Father, give us wisdom and guidance to manage
4 fish and game that you've provided for us. And to share with
5 one another. Heavenly Father, I want to thank you for
6 everything you provide for us, friends, family and loved ones.
7 Be with us the two days of this hearing and guide us, wisdom.
8 This we ask in your precious name. Amen.

9

10 CHAIRMAN FLEENER: Amen. Vince, you want to take roll
11 call?

12

13 MR. MATHEWS: Sure. Philip Titus.

14

15 MR. TITUS: Present.

16

17 MR. MATHEWS: Steven Ginnis. He's on his way, we'll
18 note it when he comes. Nathaniel or Nat?

19

20 MR. GOOD: Nat.

21

22 CHAIRMAN FLEENER: Nat.

23

24 MR. MATHEWS: Nat Good.

25

26 MR. GOOD: Present.

27

28 MR. MATHEWS: Lee Titus is absent. John Starr?

29

30 MR. STARR: Here.

31

32 MR. MATHEWS: Timothy Sam is absent. Charles or Chuck?

33

34 MR. MILLER: Chuck.

35

36 MR. MATHEWS: Chuck Miller.

37

38 MR. MILLER: Here.

39

40 MR. MATHEWS: Randy Mayo.

41

42 MR. MAYO: Here.

43

44 MR. MATHEWS: Craig Fleener?

45

46 CHAIRMAN FLEENER: Here.

47

48 MR. MATHEWS: Mr. Chairman, we have six members
49 present, we have a quorum.

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1 CHAIRMAN FLEENER: Can we -- I don't know how we would
2 handle this, but the two that are absent then are not going to
3 be here, should we note that they're excused or unexcused
4 absences?

5
6 MR. MATHEWS: Yes. We probably should note that. I
7 would say Lee Titus has an excused absence. I did talk to him
8 earlier this week. Timothy Sam, I would feel it's an unexcused
9 absence.

10
11 CHAIRMAN FLEENER: All right.

12
13 MR. MATHEWS: I don't know if that's the wishes of the
14 Council.

15
16 CHAIRMAN FLEENER: Well, if they didn't ask for any
17 excuse then it's probably unexcused.

18
19 MR. MATHEWS: No, there was no asking for an excused by
20 Mr. Sam.

21
22 CHAIRMAN FLEENER: Well, since we're here in town, I'd
23 probably like to ask John to introduce the Council members if
24 he doesn't mind -- introduce us. Well, we got next on the
25 agenda here is the introduction of Council members, Agency
26 Staff and guests. And if you'd like to introduce us.

27
28 MR. STARR: I'm John Starr. And at my left is Randy
29 Mayo. And Craig from Ft. Yukon. Nat Good.....

30
31 MR. GOOD: Delta Junction.

32
33 MR. STARR: Philip Titus from Minto.

34
35 MR. TITUS: Hi.

36
37 MR. STARR: Nat Good from Delta. Chuck Miller
38 from.....

39
40 MR. MILLER: Dot Lake.

41
42 MR. STARR:Dot Lake.

43
44 CHAIRMAN FLEENER: Thank you. How do you want to go
45 about doing the Agency and Staff introductions?

46
47 MR. MATHEWS: Mr. Chairman, I think it might be easier
48 if I stumble my way through it instead of having them parade up
49 if you would prefer.

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1 Okay. I think we'll go with introducing the Staff
2 themselves, there's a microphone up there if they would like to
3 do that. I'm Vince Mathews, the Regional Coordinator for the
4 Eastern Interior Regional Council. And I'm out of Fairbanks
5 and I'm with the Fish and Wildlife Service. And I'll turn this
6 mike over to Bill and then the rest will introduce themselves.

7
8 MR. KNAUER: I'm Bill Knauer. I'm with the Fish and
9 Wildlife Service in Anchorage on the Subsistence Staff. And
10 I'm a regulations and policy specialist for them.

11
12 MR. DEMATTEO: I'm Pete Dematteo. I'm a biologist with
13 the Subsistence Office in Anchorage. My area is the interior
14 part of Alaska. I guess it's important to note at this time
15 that I'm replacing Conrad Guenther who retired earlier last
16 month. So I'll serve as the biologist for the Eastern and
17 Western Councils.

18
19 MR. GREENWOOD: I'm Bruce Greenwood. I work for
20 National Park Service in Anchorage in Subsistence. I primarily
21 work in the -- different places around the State of Alaska
22 depending where the issues are. At this meeting I'm primarily
23 here to replace George Sherrod, who is absent. He will be
24 expecting to be back here probably for the next meeting and
25 I'll be doing a lot of the customary and traditional use
26 determination proposals. And I'm also here to talk a little
27 bit about -- I'm also here to represent Wrangell-St. Elias
28 National Park on a couple of concerns up there that they have.

29
30 CHAIRMAN FLEENER: Okay. Maybe we can just go on
31 around.

32
33 MR. HAYNES: I'm Terry Haynes with the Alaska
34 Department of Fish and Game, Division of Subsistence. I'm a
35 member of our State Federal Subsistence Liaison Team.

36
37 MR. ANDERSON: I'm Fred Anderson also with the
38 Department of Fish and Game just here as an observer.

39
40 MR. SCHULTZ: My name is Keith Schultz. I'm with the
41 Alaska Department of Fish and Game and Division of Commercial
42 Fish in Fairbanks.

43
44 MR. SCHULTZ: My name is Bob Schultz. I'm with the
45 Tetlin National Wildlife Refuge stationed out of Tok, Alaska.

46
47 MR. HEUER: I'm Ted Heuer. I'm the refuge manager of
48 the Yukon Flats National Wildlife Refuge in Fairbanks.

49

MR. MCCLELLAN: I'm Greg McClellan. I'm the new

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1 subsistence coordinator for Yukon Flats, Kanuti and Arctic
2 Refuge. I'm replacing David James.

3

4 MR. TWITCHELL: I'm Hollis Twitchell. I'm with Denali
5 National Park, the subsistence coordinator for that area.

6

7 MR. NED: I'm Stanley Ned for Tanana Chiefs Wildlife
8 and Parks Department.

9

10 MS. HYSLOP: I'm Polly Hyslop. I'm -- well, people
11 from Tanana know me because I was raised here, but I'm from
12 Northway. And I work with the Tetlin National Wildlife Refuge
13 and their refuge information technician and I'm new to this.
14 So it's all -- it's exciting for me to be here today and learn
15 -- and I'm still in the processes of learning the terminology.
16 And I think this is really important that these times are
17 really important for the Native people and for the people of
18 Alaska. And so I'm glad to be part of this process.

19

20 MR. KNAUER: She's busy right now, but Peggy Fox is
21 back here at this back table is on the Staff Committee, BLM
22 representative.

23

24 MR. TRITT: My name is Calvin Tritt. I'm here from
25 Venetie. I'm here representing the Native Village of Venetie,
26 the tribal government.

27

28 MR. NICHOLI: Hi. My name is Gerald Nicholi and I
29 represent the Tanana Tribal Council, director.

30

31 CHAIRMAN FLEENER: Okay. If you guys would like to,
32 we'd like to have the guests also introduce themselves so we
33 know who we're talking with, maybe we could start over here on
34 the left, please. You don't have to go to the microphone if
35 you don't want to, you can just stand up.

36

37 (Introduction of Guests - away from mike)

38

39 CHAIRMAN FLEENER: Anybody that we missed? Hiding by
40 the coffee maker. We sure would like to thank you guys for
41 inviting us here to Tanana to have this meeting and I'd like to
42 ask John Starr if he'd like to open with some comments.

43

44 MR. STARR: I'm going to say that all these villages on
45 the Yukon River and villages out in the Interior.....

46

47 (Tape malfunction)

48

49 MR. STARR: Hello, can you hear me.

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1 CHAIRMAN FLEENER: Go ahead.

2

3 COURT REPORTER: No, that's fine now, that's all right.

4

5 MR. STARR: Okay. All the villages in the Interior,
6 they were left there for certain reasons. They weren't
7 selected by -- for gold or for -- they were selected because it
8 was a easier places for people in the areas as far as get food.
9 The only difference now is that they got English names. Before
10 they all had Native names. They were selected because it was
11 easy for them to get food from them villages. And they're
12 still here today, like I said, we know what's out there in our
13 area. The history of Tanana, you might think Tanana was here
14 because the missionaries. The missionaries that missioned
15 (sic) up there, it was completed in 1910. They used to also
16 have Fort Gibbon there. But long before that, people were
17 living on the river there. And we're still using this area
18 today for our survival. And we'll all be here, we'll always be
19 here. So it's really important that you people make comments
20 where you live and where you go because now we're -- we got
21 dual management and it's really getting complicated. It
22 already is. You're trying to -- so it's really important. I
23 like to see -- it's good that these young people are here
24 because you're going to live here and you'll never leave here.

25

26 CHAIRMAN FLEENER: Thank you, John. The next thing on
27 the agenda is Council member concerns and topics. And I know
28 that during the past few months, in between meetings here, I've
29 been confronted with quite a few issues. And three of these
30 issues that I think we're going to discuss later on are
31 trapping. One of which is use of leg-hold traps and endangered
32 species on National Wildlife Refuges. And another one that I
33 just recently found out about was more fees, higher permit fees
34 for trapping and sending furs across boundaries, like into
35 Canada. And that's something that I'd also like to talk about
36 and something that some other Council members are interested in
37 is the discussion of co-management, which we started talking
38 about at the last meeting -- or we've probably been talking
39 about it for longer than that. But the co-management is an
40 important topic and I think that's one that we're going to hit
41 on quite a bit.

42

43 If we could go one by one, if you guys have some more
44 concerns or topics that you want to bring up before we get into
45 the meat of the agenda.

46

47 MR. MILLER: No. I don't have any.

48

49 MR. GOOD: I have a couple of things I'd like to get in

50 here someplace. I have a proposal written for Region 2 that

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1 I'd like the Council here to take a look at and be aware of.
2 As well as, I'm interested also in the southern boundary,
3 particularly along 20(D) of our region. I don't think it is
4 very accurate and I'd like the Council to know why -- see why
5 and perhaps consider what we might do about that, if anything.

6
7 MR. TITUS: My concern is public opinion, their opening
8 up for the refuges -- trapping in the refuges and the animal
9 lovers and the environmentalists. Well, just what the public
10 opinion, their point of view and overrule the people's point of
11 view that's actually living out there in the woods, trapping
12 and living off this land. And the animal lovers will have
13 their say and the trapper will be shafted again.

14
15 CHAIRMAN FLEENER: Randy.

16
17 MR. MAYO: Hello, Randy Mayo. First Chief Stevens
18 Village Tribal Government and board member. I'm sure these
19 agencies, they know a lot of my topics and concerns, you know,
20 switching different hats as a tribal government leader. You
21 know, this will probably be my last meeting in this type of
22 forum, but you know, we'll still be involved. A lot of my
23 concerns and topics, you know, I know Ted knows a lot of them.
24 We're working on our traditional -- well, we got the
25 traditional land use plan done for our traditional lands which
26 is -- it's not the ANCSA lands, this is the lands that, you
27 know, are traditional lands, it's over a million acres in the
28 Yukon Flats.

29
30 You know, like this color-coded map up here, we never
31 agreed to that. We never agreed to land claims. Back in the
32 1930's, you know, the elders petitioned the federal government
33 to put that one million plus acres in federal trust and create
34 the reservation for us. You know, we would have -- you know,
35 the tribal governments would have been in control of that land,
36 you know, for obvious reasons. There was supposed to be
37 reservations all over the Interior. You know, I have documents
38 from that time and how that got stopped and sidetracked was the
39 mining associations outside got alarmed and they went to
40 Congress and blocked this move. You know, we petitioned four
41 times for our traditional lands. And the latest one, well,
42 1930s and two times in the 1950s and '64 when the proposed
43 Rampart Dam was being talked about, we petitioned again,
44 nothing came of that. And as late as 1985, we petitioned the
45 Secretary of Interior again, you know. And in between this oil
46 pipeline is built right through our lands there. So we lost 80
47 percent of our traditional lands because of land claims and
48 because of the oil. You know, ANILCA was passed and the
49 federal government annexed the rest of our lands through these

50 agencies, BLM, Fish and Wildlife Service and you know there

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1 mandate says, you know, for the use of the American public,
2 that means anybody.

3
4 But yet we're still out there pursuing our traditional
5 way of life and our economy. We have a lot of problems with a
6 lot of terminology, subsistence, you know. I don't like that
7 word. The definition is, you know, because we have no other
8 choice but to live that way. You know, we have a lot of
9 choices. The rural classification, you know, when we agreed
10 and used those words as tribal government, we're lessening
11 ourselves. So, you know, we have to really look at the
12 situation, you know, the bigger picture. Where's all the
13 assets to our traditional lifestyle, the traditional economy,
14 the fishing and hunting. It's not just putting food on the
15 table, but the products that come out of them are traded and
16 sold, you know, the spiritual aspect. Where are all those
17 things included in these talks. When you add those things into
18 it then it comes down to a humans rights issue. Like I said,
19 we never agreed to this color-coded map up here. John
20 mentioned here, long before the missionaries and other form of
21 government came in. You know our government's been around
22 since the beginning of time, you know. Our stories put us here
23 at the beginning of time, we didn't come across no landbridge,
24 you know, we're not immigrants. We managed this land for, you
25 know, untold generations and the things we live off are still
26 out there. It's just the recent developments of another
27 economy and government coming in with a different value system
28 and this is where we run into the problem right here.

29
30 Up in my area, like I said, the Haul Road goes right
31 through our land, you know, we didn't agree to that. And a lot
32 of people are coming off of that road and they're not only
33 stopping at the river, they're getting on the river, they're
34 going on down to the Koyukuk more and more, they're going up
35 into the Yukon Flats, you know. So these agency peoples and
36 their bosses really have to get educated, you know. Why did --
37 how was America formed, you know, we have to look at the real
38 history here because they were administered from across the
39 ocean; taxation without representation. This is the same issue
40 going on with us today out in the villages. You know, yet at
41 the same time, the state legislature and the Alaska delegation,
42 you know, are putting us down and calling us -- right out in
43 the media, indigent, we're poor, living off of welfare, we get
44 everything for free. You know, like what kind of way is that.
45 We're buying a lot of things from Fairbanks and Anchorage
46 economy, snow machines, boats and motors. You take all these
47 43 villages in the Interior and that's -- we're supplying the
48 Fairbanks economy, not to mention Native organizations like
49 Tanana Chiefs, BIA and Fairbanks Native Association that bring

50 in federal dollars into the city. But we're not appreciated

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1 for that. Instead they come up with these things here,
2 regulations to hold us back and keep us disadvantaged. You
3 know, I have real problems with these things.

4
5 You know, a lot of -- and they're not done yet. You
6 know, these same people that are responsible for us losing all
7 our land, the oil companies, mining and timber companies along
8 with their business men, legislatures and congress people are
9 trying to throw open the country and not for our benefit, but
10 for them. Taking out the raw resource. You know, these multi-
11 national corporations, they're not from here, they don't live
12 here, all they want is to come in and tear up the land so they
13 can get richer and then they'll move on. You know, they come
14 in with big ideas of building the economy and jobs, you know,
15 we might get a few jobs cleaning up their mess, but they're
16 going to bring in these high level white collar jobs from down
17 south because they've ruined that country down there and now
18 they're looking up here to do the same thing.

19
20 You know, so these are just some of my issues. And
21 like I said, this will probably be my last meeting as a tribal
22 government leader. It's kind of an insult that I sit on this
23 board making recommendations and trying to educate the lower
24 level workers in this bureaucracy, you know, that government-
25 to-government we should be up here. I should be right up there
26 at the table in the policy and decision making. When we had
27 this meeting in the village, we talked about traditional
28 knowledge and wisdom and co-management to be included at the
29 table, at the policy decision making level that, you know, this
30 is our very life here, but yet we sit here advisory and a lot
31 of times they just throw our advice out the window so they can
32 further their own cause and keep our hunting and fishing areas
33 open so the city people can have a place to play their
34 recreation and relaxation. So these are really, you know --
35 it's a bigger issue than just us sitting here, you know.

36
37 And I like to see these young people here sitting here
38 and learning about these kind of forums here so they can get
39 involved also. And that's all I have to say.

40
41 CHAIRMAN FLEENER: Thanks, Randy. John, do you have
42 any concerns or special topics that you want to bring up before
43 we get into the agenda?

44
45 MR. STARR: Well, one of the biggest concern is from
46 the Lower 48 that's trying to stop the leg-hold trapping.
47 Because I know there's -- in the Interior there's a lot of
48 people that are dependent on that, it's their livelihood. They
49 got no job and that's how they live, that's all their economy.

50 And I heard that they can't do nothing about it because it's in

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1 ANILCA -- it was written in ANILCA, so people know about that
2 and think they should be brought up. Of course I didn't know
3 about it until they were telling me about it.

4
5 CHAIRMAN FLEENER: Thank you. One more thing I'd like
6 to add to what Randy said. He was talking about the status of
7 the chief in the communities, and I knew you are new education
8 style and what we learn on TV and what we learn through just
9 our everyday activities with outside people are the positions
10 of the chief -- the chiefs in our villages have been lowered
11 and I think that we need to -- especially young people, I
12 include myself in that group and I hope we can lift up the
13 elders especially and the chiefs and start putting back the
14 pride that we once had in them and recognize them for who they
15 are and give them the respect that they deserve. It's not an
16 easy job being chief. And I think each one of the people in
17 this room should respect their chief and given them all the
18 help they need and working in the community. And we just need
19 to remember that, that is an important position, it's like the
20 President to us, although it's been a demeaned position. We
21 need to give that person the respect that he deserves. The
22 chiefs used to be powerful people and they're not seen that way
23 anymore and I think that we need to give the power back to them
24 that they once had.

25
26 If that's all the Council concerns, maybe we could move
27 on to additions or corrections to the agenda. Do you want to
28 take it from here Vince?

29
30 MR. MATHEWS: For the public there's copies of the
31 agenda in the back of the room. The Council members have it
32 under Tab A. We need to look at it to see if there's going to
33 be any additions or corrections or anything like that to the
34 agenda. Since we are in Tanana we do have one request from the
35 village of Venetie, which I think you'll bring up that I know
36 of.

37
38 CHAIRMAN FLEENER: Any Council members have any agenda
39 changes that they'd like to see?

40
41 MR. MAYO: Mr. Chairman, where's the follow-up
42 discussion that we had last fall on the traditional knowledge
43 and wisdom, and you know, co-management and the decision
44 making; is it on here or does that come in your Chairman's
45 report?

46
47 CHAIRMAN FLEENER: I think we were going to discuss
48 that. It was too late to put it on this agenda, I think we
49 were going to discuss that in our own report, the Council

50 member report and Chairman report. Does that sound good,

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1 Vince?

2

3 MR. STARR: Is it under old business?

4

5 CHAIRMAN FLEENER: Probably under Number 8, Chairman of
6 the Regional Council members report. We could probably do it
7 in there, have a short discussion on that.

8

9 MR. MATHEWS: Right. It will come under both, Mr.
10 Chairman, because the joint meeting of the Board and the Chairs
11 had that information in front of them on co-management and then
12 wherever else we can. We were looking at having this maybe as
13 another major topic for our fall meeting, but again it could be
14 discussed at this time because of the amount of time it
15 requires to address that in a productive way.

16

17 CHAIRMAN FLEENER: Yeah. I think it's probably
18 something we should continue to think about and bring up in
19 each topic of discussion because it's important in all of these
20 areas to us. And I don't know if we should have it under one
21 topic because it's not a lone topic, it goes with everything
22 that we discuss. I know I'll discuss it a little bit in the
23 talking about the meetings that the Chairs had. And as we're
24 going on if you guys have something you want to say about it,
25 you just bring it up.

26

27 MR. GOOD: Mr. Chairman?

28

29 CHAIRMAN FLEENER: Yes.

30

31 MR. GOOD: Again, I don't know as I addressed this
32 earlier, the proposal that I have here that I'd like to send to
33 Region 2 and then the question of the southern boundary, I
34 don't know where it would be best to put those in there. I
35 think I can make them fairly brief, but whether it should be
36 related to -- the boundary itself would appear under 9(D)
37 fisheries, I suppose, would be a possible place to put this, I
38 don't know. Where else?

39

40 CHAIRMAN FLEENER: I see here, Vince, on the second
41 page is under letter C, number two, there's 1997/98 proposals,
42 would -- I don't think that this is -- is it an actual proposal
43 or is it -- to us, I mean?

44

45 MR. GOOD: No. The proposal is not to us, but it could
46 be put there.

47

48 CHAIRMAN FLEENER: Okay.

49

MR. GOOD: Well, it's a proposal that I'd like our

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1 region to look at because it relates -- it's from us to another
2 region.

3
4 CHAIRMAN FLEENER: Right.

5
6 MR. MATHEWS: Mr. Chairman, with Bill's input, I think
7 under fisheries would be appropriate to talk about regional
8 boundary changes. He's addressing a problem with the drainage
9 in 20(D). The proposal itself could be brought up at that
10 time. What he's talking about is it's out of cycle, the
11 proposal should come forward this fall, but he wants to bring
12 it forward because the Delta Junction Advisory Committee passed
13 it and wants to keep this Council informed of their concerns.
14 And then from there, the Council could defer it to fall or do
15 whatever from there, but it would not be a real proposal until
16 next fall. And I have copies of that when it's appropriate.
17 We just have to decide where to plug it into the agenda.

18
19 CHAIRMAN FLEENER: Is there a fisheries topic in this
20 agenda at all?

21
22 MR. MATHEWS: Yes. Mr. Chairman, fisheries is under
23 9(D), implementation of federal subsistence management of
24 fisheries update. That is a point there where it could
25 possibly be talked about regional boundaries. Last fall we
26 talked about regional boundaries. At that time there wasn't
27 any information provided, but again we're still working our way
28 to developing these regulations so I think it might be wise to
29 hear the concerns of Delta Junction on boundary questions.

30
31 CHAIRMAN FLEENER: Sound good to you to put it there?

32
33 MR. GOOD: Yeah, that would work well with me.

34
35 CHAIRMAN FLEENER: Okay.

36
37 MR. MATHEWS: So we'll note it under 9(D) even though
38 it totally does not refer to fisheries, I think it would be an
39 appropriate time.

40
41 CHAIRMAN FLEENER: I think we wanted to -- wasn't there
42 some other things we were talking about before the meeting we
43 wanted to rearrange the agenda to make some people's schedules
44 easier?

45
46 MR. MATHEWS: Yes, we did talk about that and to be
47 honest with you, I'm a little lost. We had several proposals
48 to change that maybe Bruce can update us on that. What's
49 happening here is we have our Council to the South which is

50 Southcentral meeting on Thursday. Staff has to present the

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1 same information to them and also that Council would like to
2 know what decisions we've made on Upper Tanana proposals. So I
3 don't know where we ended up with it, so maybe Bruce could
4 update us if we still need to change the agenda to bring up
5 proposals. I'm drawing a blank.

6
7 MR. GREENWOOD: Before the meeting we were talking
8 about we have a lot of proposals to cover at this meeting,
9 probably around 20. And with some of the Staff having to do
10 the same at the Southcentral meeting our concern was if we
11 start tomorrow morning we may not finish by 5:00 o'clock. We
12 may depending on how much we want to talk about them. So what
13 Vince was suggesting maybe is that we do the Southcentral ones
14 this afternoon and then work on the other ones tomorrow.

15
16 CHAIRMAN FLEENER: Is there a place you've seen to fit
17 it in where it won't interfere with.....

18
19 MR. MATHEWS: I think we're just going to have to look
20 at a time, say, when we need to switch. I can't really tell
21 you where that would happen. The big unknown is what we're
22 going to do -- how much time is needed for fisheries and stuff
23 and that's why I can't really tell you how to plug it in. So I
24 would tend to think once we get done with the fisheries part,
25 then I think we'll need to assess on when to take up
26 Southcentral.

27
28 MR. GREENWOOD: That's probably a good idea.

29
30 CHAIRMAN FLEENER: Has there been much change in the
31 fisheries since we discussed it at the last meeting? I mean
32 that should tell us how long the discussion's going to be.

33
34 MR. MATHEWS: Bill maybe wants to discuss that.

35
36 MR. KNAUER: Not so much change as there is more
37 details to provide you and more information as we've moved
38 along.

39
40 CHAIRMAN FLEENER: Okay. I guess we'll just play that
41 change by ear then, all right. Well, I guess we really haven't
42 made any changes to the agenda then have we?

43
44 MR. TITUS: Motion to adopt the agenda.

45
46 CHAIRMAN FLEENER: Okay. We have a motion to adopt the
47 agenda. Is there a second?

48
49 MR. GOOD: I'll second it.

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1 CHAIRMAN FLEENER: There's a second. Call for the --
2 or is there any discussion? Okay. Yeah, we don't need to vote
3 on that, all in favor of the motion signify by saying aye.

4
5 IN UNISON: Aye.

6
7 CHAIRMAN FLEENER: All opposed?

8
9 (No opposing votes)

10
11 CHAIRMAN FLEENER: Okay.

12
13 MR. MATHEWS: Okay. Mr. Chairman, that brings us up to
14 reviewing the minutes which is under Tab -- and you should have
15 gotten these in the mail ahead of time, about a month or so
16 ago, and they're under Tab B. For the public, there's extra
17 copies on the public table back there if you'd like to look at
18 them, you're more than welcome to pickup a copy.

19
20 Mr. Chairman, I have the copies in the box here that I
21 need to get back to the table.

22
23 CHAIRMAN FLEENER: Okay. We'll go ahead and take a
24 couple minutes and review these minutes.

25
26 MR. MATHEWS: And while you're reviewing them, I do
27 this every meeting, look at them for format and style, if
28 there's any questions on that please bring that up. We're
29 trying to make them function very well for you and for the
30 public.

31
32 CHAIRMAN FLEENER: Okay. If we could get started
33 again. Has any of the Council members seen any changes you'd
34 like to make in the minutes?

35
36 MR. MAYO: Mr. Chairman, under Section 3, number five,
37 you know these have to be changed.

38
39 CHAIRMAN FLEENER: Yeah. We could make changes to
40 number five, it shouldn't be private citizen, Ben was a tribal
41 representative and if it could be changed to Sevens Village
42 Resource Office instead of Committee. And I think that's all
43 the changes that were noted.

44
45 MR. MATHEWS: Okay.

46
47 CHAIRMAN FLEENER: Is there a motion to accept the
48 minutes as changed.

49

MR. GOOD: I move the minutes be accepted as stated.

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1 MR. TITUS: Second.

2
3 MR. STARR: I second it.

4
5 CHAIRMAN FLEENER: Okay. Is there any discussion? All
6 in favor signify by saying aye.

7
8 IN UNISON: Aye.

9
10 CHAIRMAN FLEENER: All opposed?

11
12 (No opposing votes)

13
14 CHAIRMAN FLEENER: Motion passes. Okay. If we can get
15 started on the Chairman and other Council member reports. I
16 guess I should start off by giving the Council Chair report,
17 what took place down there. Let me look through this real
18 quick.

19
20 Some of the things that were -- I guess it's under Tab
21 C in this green booklet if anybody else has it, I don't think
22 they do though. One of the things we discussed down in
23 Anchorage at our Regional Council Chair meeting was the
24 importance of Regional Council member training. And a lot of
25 people come in and out of these councils and committees and
26 they want to do a good job at representing their communities
27 and their areas, but they're not really sure what they're
28 getting into with each of these committees, so I recommended
29 that we have a member training to bring people up to par so
30 people can understand what ANILCA is and what ANCSA is and what
31 all the legislation is, who they're representing, what they're
32 there to implement. And we're working on that, I'm not exactly
33 sure how far along that is now, it's been a couple months since
34 that meeting.

35
36 Another thing that we discussed was a proposal to
37 restructure the Federal Subsistence Board. There were several
38 ideas on how we'd do it. The only one listed down here is that
39 the Board should be composed of the Chairs, but that's only one
40 opinion, I'm not really sure of how it should be. I thought it
41 was a pretty strange thing that all the agency members were in
42 charge of the Federal Subsistence Board, when I think only one
43 of them is -- or two of them are true subsistence users and the
44 rest of them -- well, all of them, I think, all but one is from
45 the Lower 48, so they really can't have the same type of
46 understanding of subsistence as people that live out and use
47 the land all the time. So we made a suggestion that they
48 restructure it and not have the heads of the agencies be in
49 charge of it. Because -- another interesting thing is that

50 things like when they're doing their discussions they favor

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1 their area. Like if it's a National Park Service guy he might
2 favor his area or if its Fish and Wildlife he might favor his
3 area in the discussions and passing regulations and whatnot.
4 And we figured it should be setup a little bit more like the
5 State system, where they have individuals that have a lot of
6 knowledge of subsistence. And so that was another discussion.

7
8 We discussed the development of an Alaska Native policy
9 that we thought they should come up with in dealing with Native
10 subsistence uses since Natives have had the longest standing
11 subsistence use in Alaska. We figured that was an important
12 item to discuss.

13
14 That was pretty much the meat of what we discussed. Am
15 I forgetting any other important things Vince after you chew
16 your cracker.

17
18 MR. MATHEWS: Yes, I'll try to speak out of the side of
19 my mouth. The main thing I think the Council needs to know and
20 the public needs to know is that these joint meetings are the
21 10 Chairs from across the whole State meeting with the Federal
22 Subsistence Board. It's a time for them to share issues and
23 concerns that effect them all. And there's a lot of important
24 information that's shared between the Chairs when it's in
25 session and when it's not. So I suppose what I'm really saying
26 here is the Council members need to know that their Chair will
27 attend these meetings and if they have any topics that they
28 would like brought up to all the 10 Chairs and the Federal
29 Subsistence Board in this joint meeting that they need to let
30 the Chair know. The next one will be the first day of the
31 meeting of the Federal Subsistence Board to take up proposals,
32 which is April 7th, I think.

33
34 CHAIRMAN FLEENER: Yes.

35
36 MR. MATHEWS: So if you think of some topic that you
37 would like your Chair to bring up, please give him a call or
38 call me and I can relay it to him. That's the main thing that
39 this is an important thing that both the Board and the Chairs
40 look forward to is these joint meetings.

41
42 CHAIRMAN FLEENER: Before we go any further I'd like to
43 recognize the Chief of Ft. Yukon, Steve Ginnis and maybe he can
44 introduce himself. And for the record state that he's here at
45 the meeting.

46
47 MR. GINNIS: Thank you. Good morning. I guess my
48 primary concern here that I'd like to share with the Regional
49 Council members is there's several items on this agenda that I

50 really have an interest in.

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1 One thing is the inclusion of rural in the charter of
2 our Council here that I have a concern about. The other thing
3 is the nomination process of how we select people on this
4 board. And what I mean by that is I'd like to have more of the
5 village councils involved in the selection process. As it is
6 now, people apply and the Secretary of Interior determines who
7 serves on this Council and I kind of disagree with that
8 process. The other thing that interested me here is the whole
9 idea of trapping on the National Wildlife Refuges. That's a
10 real issue that I hope this Council will take some action on.
11 And the other one is customary and traditional use
12 determinations. I've always advocated that it should be based
13 on use areas rather than how it's currently being done, by
14 species. And I'm on record supporting that.

15
16 Those are primarily the things that I'm very interested
17 in during this meeting here. I guess the other thing is I'm a
18 little late because of the jury selection they were having in
19 Ft. Yukon. Fortunately I was able to get out of it. I'm glad
20 to be here. I know a lot of -- some of those folks that are in
21 the audience here. Thank you.

22
23 CHAIRMAN FLEENER: Thanks, Steve.

24
25 MR. MATHEWS: Mr. Chairman, I think it was due to my
26 oversight I didn't make it clear to everybody that this is an
27 open meeting and if they would like to testify when a subject
28 is up or just testify in general is they need to give
29 recognition either through you by hand or turn in one of the --
30 I suppose this is yellow, slips and that way we can do it that
31 way. There's a microphone up there that you need to come up to
32 speak to because we're recording this whole thing and having a
33 transcript done. It is announced that there's generally a
34 public comment period at 9:00 a.m. and at 6:00 p.m., but due to
35 the planes and et cetera, we couldn't do the 9:00 a.m. as we
36 normally would. The 6:00 p.m. is to let people know that may
37 be working different schedules so that they can target a time
38 to come and testify. The way the Council has done this in the
39 past, when they have a proposal that's up before them or an
40 issue, they usually ask, is there any public comments and then
41 you can come forward and discuss that. And you'll see that as
42 we get our rhythm here it will work out a little bit more.
43 Right now we're getting our rhythm down. So we do have one
44 person that wants to testify and I don't know if it's on a
45 particular topic or not. Gerald.

46
47 CHAIRMAN FLEENER: Maybe we can -- since we missed the
48 9:00 o'clock public comment period, maybe we can do it after we
49 give our reports here and right before old business.

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1 MR. MATHEWS: Okay.

2

3 CHAIRMAN FLEENER: The next one here is January's
4 caribou subcommittee meeting in Tok. Who's going to present
5 that?

6

7 MR. MATHEWS: That would be myself and Chuck Miller.
8 I'll layout the ground work and then Chuck can share what
9 transpired there. You'll discover -- or you probably already
10 know that by looking at the proposal book, many of the
11 proposals that we're looking at also influence your Council to
12 the south, the Southcentral Regional Council. The proposals
13 are addressing very important issues for the Upper
14 Tanana/Copper River area. To assist with that we had an
15 information meeting -- actually an information workshop with
16 the two representatives from Southcentral, Roy Ewan and Fred
17 John, Jr. and we had arrangements for Chuck Miller and Lee
18 Titus to represent Eastern Interior. Lee was not able to make
19 it, Chuck Miller was. So at that time Staff presented in an
20 informal type setting the material that they knew about, the
21 issues and those representatives from the two Councils reviewed
22 it. So I'll leave the rest up to Chuck on that, but we're
23 going to -- each proposal that will come up -- so maybe Chuck
24 just needs to explain what he thought of the meeting and the
25 general outcome and then when we come to particular proposals,
26 we may want to refer to Chuck about that meeting.

27

28 MR. MILLER: Gee, thanks for taking it easy on me
29 there, Vince. I got quite a bit out of that meeting, it was
30 pretty interesting to find out what the other region -- since
31 we both hunt the same area, we seem to have the same idea on a
32 lot of the proposals. And like Vince said, if there's any
33 questions regarding them we can go with them when that opens
34 up. But I'd like to see more of these meetings, you know, when
35 it concerns two different regions to where we can get at it
36 from two different sides. And I think a lot of these proposals
37 that we can jointly support, they'll get a lot further, too.
38 And I guess that's basically it for that.

39

40 CHAIRMAN FLEENER: I have a question on that Vince.
41 Did we discuss the possibility of having some more of these
42 joint meetings between different Councils if there is issues
43 that concern both of them?

44

45 MR. MATHEWS: Yes. We've talked about it informally.
46 And in general I think the program is supportive of it. I do
47 have to remember that my pocketbook, that there's always the
48 budgetary question. But first we would approach the issue and
49 then we'll address the budget. But right now the Board has

50 made it clear that if there is overlapping issues that it would

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1 be wise for the Regional Councils to work those out prior to
2 going to the Board level. So yes we are looking at joint ones.
3 Yours would be with North Slope, if there's an issue dealing
4 there, to the west it would be Western Interior and to the
5 south it would be Southcentral. If there is more of a -- well,
6 there is one actually, but if there -- when and if the
7 fisheries becomes implemented, there will probably be joint
8 meetings between Eastern, Western and Yukon-Kuskokwim.

9
10 CHAIRMAN FLEENER: So you're saying that they think
11 it's an important thing, but they're not willing to bring up
12 the money yet?

13
14 MR. MATHEWS: No, I just -- there's just too many
15 people here to lead them to believe that we'll automatically
16 have these meetings. I always want to let you know that the
17 issue will drive the meeting and then money will come later.

18
19 CHAIRMAN FLEENER: Well, Chuck, what did you think, do
20 you think that it was a good enough meeting and that we should
21 continue those types of meetings?

22
23 MR. MILLER: From my point of view on it -- I mean I
24 found out a lot about the other regions. Yeah, I thought it
25 was a pretty productive meeting. It was nice to hear what the
26 other region thought on these proposals that effect both of us.
27 And I'd like to see more of them really.

28
29 CHAIRMAN FLEENER: Well, I think I would like to
30 support that, too. And just to let the record state that I
31 think, unless anybody opposes -- go ahead, Steve.

32
33 MR. GINNIS: I was just going to ask you a question
34 regarding this. Is this a result of the motion that was made
35 at our last meeting? I forgot how the motion went, but
36 basically to have Southcentral deal with this caribou issue? I
37 remember at the Stevens Village meeting I was saying that as a
38 member of the Council I'm not familiar with the issue related
39 to caribou in that region. And because we didn't have some
40 representatives from that area at that last meeting, I think
41 that was what the motion was about. Now, it sounds to me like
42 what you're saying now is maybe the Eastern Regional Council
43 and the Southcentral Council out to be working together on this
44 issue.

45
46 MR. TITUS: Just the chairs.

47
48 MR. MATHEWS: The motion last meeting was to hear, if I
49 remember correctly, to hear from the Ahtna villages on their

50 concerns with caribou before this Council would take action.

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1 That motion kind of precipitated having this meeting.

2

3 MR. GINNIS: Okay.

4

5 MR. MATHEWS: If your concern is stressing village
6 representation, Roy Ewan is the Chair of the Southcentral
7 Council, but he's also from that area, from Glennallen, so is
8 Fred John. So that would address your concern then if we have
9 these joint meetings, there would be key members from both
10 Councils that are from the area effected. Craig Fleener was
11 asked to go, he tried to go but could not, but also he felt
12 that as long as the representation from the area was there,
13 because otherwise it's like you're saying, he may not have as
14 much knowledge of the area. So, yes, is this a follow-up to
15 that. And please forget the budgetary thing that I mentioned,
16 that's not to be a stumbling block. It just means that as the
17 issue comes up we need to explore having joint meetings and
18 then we'll proceed.

19

20 MR. GINNIS: Is there going to be a report on the
21 Forty-mile caribou hunt?

22

23 MR. MATHEWS: I haven't seen the area biologist -- oh,
24 yes, we do have some planning people. We do have a
25 representative from that planning group and I think there will
26 be two here -- or actually there may be three here. So we will
27 have a report on the status of the Forty-mile caribou herd
28 management actions.

29

30 MR. GINNIS: Yeah.

31

32 CHAIRMAN FLEENER: All right. Are there any other
33 Council members that have any other reports to make, things
34 that are happening in there areas?

35

36 MR. MAYO: Mr. Chairman?

37

38 CHAIRMAN FLEENER: Yes.

39

40 MR. MAYO: I'd just like to follow-up on my report in
41 Stevens Village, this fall what we've been doing in the
42 village. We were continuing to assume our programs and build
43 our offices and building our natural resource office. We have
44 our traditional land use plan done and we're working on our
45 tribal ordinances, you know, for our traditional lands.
46 Completed our place name, you know, traditional place name
47 study map, not just something to put on the wall, but you know
48 it gives us more standing when we use our -- when we have all
49 those places recorded because those names mean something in our

50 language where different activities take place. You know, it's

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1 a testimony to our, you know, the country that we use and
2 govern ourselves. And working with -- still dealing with
3 Alyeska Pipeline Company and also the Dalton Highway Corridor
4 we're watching that, you know, with the escalation of
5 development up there, so, you know, we're really watching that
6 deal there. Some law's have been passed that aren't very good
7 for us, you know, promoting settlement in our land which will
8 make competition for our resources there.

9
10 CHAIRMAN FLEENER: All right. Thanks, Randy. Anyone
11 else?

12
13 MR. GINNIS: Where are you there, on the Regional
14 Council members?

15
16 CHAIRMAN FLEENER: Yes. Other Regional Council
17 members.

18
19 MR. GINNIS: What's the purpose of that, just a report?

20
21 CHAIRMAN FLEENER: Just a report on things that are
22 going on in your community?

23
24 MR. GINNIS: Okay.

25
26 CHAIRMAN FLEENER: Okay. If there's nothing further
27 maybe we can go to the public comment period and we should
28 probably set some sort of a time limit so we can stay on a good
29 schedule. Give each person, what, how long, five minutes?

30
31 MR. MATHEWS: Five minutes.

32
33 MR. GINNIS: Mr. Chairman?

34
35 CHAIRMAN FLEENER: Yes.

36
37 MR. GINNIS: Are we working off of this agenda in this
38 packet?

39
40 CHAIRMAN FLEENER: Yes. Except that.....

41
42 MR. GINNIS: Well, where's the public comments, I mean
43 the next item seems to be old business?

44
45 CHAIRMAN FLEENER: Yeah. I changed that because we
46 didn't start the meeting until after 9:00 and 9:00 o'clock was
47 when the public comment period was supposed to be. And so I
48 wanted to give the.....

49

MR. GINNIS: Well, Mr. Chairman, I'd like to suggest

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1 that in the future that maybe public comments should come
2 after, you know, the reports and whatnot. I think it's been
3 difficult for people to testify on something that, you know,
4 that we haven't -- prior to discussing. So maybe in the future
5 when you make up your agenda that maybe that should come after
6 -- sometime after the discussion of, you know, the issues.

7
8 CHAIRMAN FLEENER: That's a good suggestion. I guess
9 we'd have to redo the whole agenda and put everything that we
10 need to take action on in one section and.....

11
12 MR. GINNIS: Yeah. But I'm not suggesting you do that
13 now, I'm just saying in the future.

14
15 CHAIRMAN FLEENER: I understand. Is that the only.....

16
17 MR. MATHEWS: Yes. And I don't know if Gerald Nicholi
18 wants to speak now. And then, Mr. Chairman, you might open it
19 up for others if they want to testify. You may want to open it
20 up and then remember that as each issue comes up if people can
21 give direct input into this, they then could share.

22
23 CHAIRMAN FLEENER: Okay. I hate to try to rush
24 anybody, but we do want to try to keep it on a tight schedule
25 and if you can keep your comments to about three minutes or so
26 that would be helpful.

27
28 MR. NICHOLI: I just want to -- I represent the Tanana
29 Tribal members here because there's a lot of interest groups
30 that keep interfering with our way of life, how we've been
31 living for centuries. The way we stand up and we need to
32 remind them of the centuries that we've been here. They're
33 from outside -- from outside our region, our villages,
34 everybody tries to tell us how we live our life and we've been
35 doing this for centuries and the way we patent our methods and
36 we're fine. There's nobody here -- there's nobody around
37 outside of our region that knows how they (indiscernible) the
38 way we do. And we got (indiscernible) that other people should
39 try to interfere with our way of life is the way I see it.

40
41 CHAIRMAN FLEENER: All right. Thank you.

42
43 MR. TITUS: Mr. Chairman, for the record, I totally
44 agree.

45
46 CHAIRMAN FLEENER: Are there any other comments? Could
47 you state your name for the record, too, please?

48
49 MS. ROBERTS: My name is Cathy Roberts and I'm here on

50 behalf of the Tanana (indiscernible). What I'd like to say is

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1 that every fall we have a lot of bulls coming down the river
2 just like an army, you see five at a time. And I went to
3 Fairbanks and I was at my cousins house and (indiscernible)
4 were whole carcass of moose, he said you could see this moose
5 (indiscernible) come to Fairbanks. And, you know, he didn't
6 even get his moose last fall, so when we hear that, you know, I
7 don't know if they don't know how to take care of their moose
8 or how to -- once they kill it, do they know how to take care
9 of it where it won't spoil. They should have checkpoints when
10 they go back to Fairbanks, checkpoints to see if they got that
11 moose meat, to see if it's taken care of right. If they don't
12 want it, they should just drop it off in the villages. There's
13 a lot of people that don't have boats to go hunting. I don't
14 know if you guys are living in Fairbanks, but go to the dump
15 and find out that this is true and I think it is.

16
17 CHAIRMAN FLEENER: Thank you.

18
19 MR. TRITT: My name is Calvin Tritt. I'm from Arctic
20 Village, but I live in Venetie. My notion of coming here was
21 because I thought you guys were decision makers and I found out
22 that's not so. So that's one of the reasons our tribe has been
23 fighting for indian country for 14 years and the 9th Circuit
24 court has just went -- went in our favor. So we could deal
25 with government -- to government, instead of going through
26 little committees and giving you all kind of rejections.

27
28 One of the main topics I'm here is because north of
29 Arctic Village is called Red Sheep Creek and a lot of these
30 hunters come in there without anybody noticing them and hunting
31 off that land. And we want to put a restriction on this so
32 younger sheeps (sic) could mature and repopulate that place.

33
34 The other one is very important to us, caribou and
35 migration route. The caribou comes back down towards Sheenjik
36 and into Arctic Village Valley. And we believe there's a lot
37 of interruption in that area and we want to see that stop
38 during the migration. It's a very simple favor to ask, it's
39 not a big deal, you know. The animals live like we do, like we
40 wake-up in the morning and we know what to do and they do the
41 same thing. They have a migration route, that's their route.
42 I mean they've been doing that for millions of years. And we,
43 like cop, come in there and try to change that, you know, it's
44 none of our business to do that. And there's a lot of passing
45 on our allotments. I think I got a -- I'm on a schedule,
46 right?

47
48 CHAIRMAN FLEENER: Yeah. You can make your comments
49 kind of brief. We have you on the agenda and we can get to the

50 discussion -- the main discussion.....

0024

1 MR. TRITT: Yeah.

2

3 CHAIRMAN FLEENER:and we can get back to the.....

4

5 MR. TRITT: I just want the authority to know what the
6 feeling of Venetie.

7

8 CHAIRMAN FLEENER: All right. Thanks, Calvin.

9

10 MR. TRITT: Thanks.

11

12 MS. KEMP: My name is Effie Kemp and I'm originally
13 from Koyukuk. I was listening to Cathy Roberts talking about
14 this moose and I believe what she's saying. Because every fall
15 after moose hunting, I hear from my people in Koyukuk River,
16 how they find a bunch of moose meat up the Koyukuk River
17 rotting and it's these hunters coming in from Germany, all over
18 that's going up in our country and hunting this moose just for
19 the moose horn, just for the trophy. And our people -- some of
20 our people don't get nothing for the winter to survive and that
21 I say is wrong. I've been hearing this for years and I've been
22 living up here 14 years and I hear this when I go home and it's
23 very sad because our people don't get their food to provide for
24 the winter. It's because of these hunters. They say when they
25 go up Koyukuk River, it's just like a village -- like a big
26 town, hunters all over. Every corner they go there's hunters
27 and I don't like to see that because I heard last night about
28 how this welfare reform is going to hurt a lot of people and
29 our people are going to have to start surviving off the land.
30 So we have to start doing something about these hunters going
31 up the Koyukuk River and anywhere in Alaska and getting these
32 moose just for the horns, just for the trophy.

33

34 Thank you.

35

36 CHAIRMAN FLEENER: Thanks. Okay, if that's all the
37 comments.....

38

39 MR. GINNIS: Mr. Chairman, I wanted to ask a question
40 on this Red Sheep Creed area. You know, I notice there's a
41 resolution here and you say the item is on the agenda or.....

42

43 CHAIRMAN FLEENER: Well, we put it on the agenda under
44 6:00 p.m. on the next page, it says, other agencies and Native
45 corporations, underneath the tribal councils we put caribou and
46 sheep discussion in Unit 25(D).

47

48 Okay. If there's no further comments let's move on to
49 old business.

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1 MR. MATHEWS: Yes. Mr. Chairman, basically you covered
2 most of that under the joint Board discussion. The Board met
3 in January and I'm drawing a blank as to what they brought up.
4 The Board has met several times on other issues that are not
5 relating to this region. Maybe Bill or Peggy can help me out
6 on what happened at the January meeting of the Federal
7 Subsistence Board.

8
9 MR. KNAUER: Yes, Mr. Chairman, there were two items of
10 concern during the January Board that I'm particularly familiar
11 with. One was the presentation that you're going to hear later
12 this morning on the environmental assessment and draft
13 preliminary proposed regulations on the fisheries issue. The
14 Board, after hearing that presentation, determined that they
15 would like to provide the full text of that very early draft on
16 the regulations to the Regional Councils.

17
18 CHAIRMAN FLEENER: Can I ask you a question, are you
19 saying that there's a question on fisheries, on the draft
20 regulations? I thought that they were going to just take the
21 State regulations.

22
23 MR. KNAUER: There is part of that and I'll explain
24 that.....

25
26 CHAIRMAN FLEENER: Later?

27
28 MR. KNAUER:when we get into that later, yes.
29 The other issue that was brought up during the Council Chair
30 Board session, Regional Council member compensation beyond the
31 per diem that you're authorized. And there was a presentation
32 made to the Board, they looked at that and they recommended
33 that that information be forwarded to the Secretary of the
34 Interior for his action as appropriate. And we're currently
35 preparing a letter to the Secretaries of Interior and
36 Agriculture. And when it goes, which we expect within the next
37 month or so, the Regional Councils will receive copies of that
38 packet. So that issue that was of concern and was brought up
39 during the Council Chair Board meeting has been -- being acted
40 on and is being forwarded.

41
42 CHAIRMAN FLEENER: Okay, thanks. And Vince, you don't
43 have anything on the November -- nothing further?

44
45 MR. MATHEWS: No. That point you just briefed them on
46 in there and it's under your Tab -- you did mention -- and if
47 Council members have questions, they can talk to one of the
48 Staff here. You didn't mention Council member stipends, but
49 that's -- it's moving along, I can't say it's being provided at

50 this time, but there's more information on that and if

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1 individual members have questions on that it might be best to
2 ask us during a break or something. I think Bill has
3 something.

4
5 MR. KNAUER: There was one other item of concern that
6 the Board discussed with the Staff during their January meeting
7 and that related to the relationship with the State and the
8 State, I believe -- in fact, there's a copy in your packet, a
9 letter from the State dated October 24th, I believe where the
10 State had requested work on a memorandum of agreement between
11 the Federal Board and the State, wherein the State wished to be
12 involved in an early stage regarding technical data and things.
13 And the Board did encourage the Staff to continue dialogue with
14 the State for the possible development at a later time of a
15 memorandum of agreement formalizing a working relationship.

16
17 MR. TITUS: I got a question. How come the Feds and
18 the States, they just don't go with one set of proposals
19 instead of having two separate proposals when it's the same
20 resource?

21
22 MR. KNAUER: Do you mean like a proposal to the Federal
23 Subsistence Board and a proposal to the Board of Game?

24
25 MR. TITUS: Yes. Well, the part it could be fish and
26 game, I mean how come we got a bunch of paperwork for the same
27 thing, I'm trying to say.

28
29 CHAIRMAN FLEENER: I could answer a little bit of that
30 and then I'll let you go ahead. Part of the problem is the way
31 that the laws are formed. The State laws and the Federal laws
32 are different and just like granting preference is a Federal
33 law, it says that they can grant certain preferences and the
34 State can't grant those preferences. So there are different
35 laws. Maybe you can embellish on that.

36
37 MR. KNAUER: That's absolutely correct, Mr. Chairman.
38 In fact that's why this Regional Council and the Federal
39 Subsistence Board exists because in 1989 the State Supreme
40 Court said that the State could not provide a rural preference
41 and the Federal law says that there will be a rural preference.
42 And because of that, the Federal government had to step in and
43 assume responsibility for providing that rural preference on
44 Federal public lands. And many Regional Councils, when they do
45 work on proposals, in order to ensure less confusion to the
46 public and to their community members try and make the same
47 proposals to both Councils -- or excuse me, both Boards, the
48 Board of Game and the Federal Subsistence Board so that there
49 is some coordination there.

0027

1 MR. GINNIS: Mr. Chairman, are you talking about the
2 November 20th meeting, is that what you're referring to in
3 regards to this joint meeting and the issues that were raised?
4

5 CHAIRMAN FLEENER: Yes. He's talking about two
6 different meetings, there's one in January and one in November.
7

8 MR. GINNIS: Well, I'm just looking at the follow-up
9 items on the November 20th meeting. I was curious why the c&t
10 issue was not before this Board as a discussion item. Now,
11 like I said earlier, one of the things that I'm very concerned
12 about is how the customary and traditional use areas are
13 identified. And you know, I think it's going to have to be
14 pushed to the highest level to make that change from how it's
15 currently being done right now. And when I look at these
16 follow-up items that were discussed at this November 20th
17 meeting, there's no -- the discussion didn't even come up. And
18 I think I made a motion at our Stevens Village meeting to
19 change that process, I mean it's in the minutes.
20

21 So I guess that's a question for whomever.
22

23 MR. MATHEWS: I think I can field part of that,
24 following the meeting that you had in Stevens Village, we sent
25 a letter and faxed a letter to all the Regional Council Chairs
26 asking that co-management be discussed at the joint meeting,
27 there wasn't a response on that from that. On your discussion
28 of the c&t process, we are bringing it up at this time again.
29 The motion at that time was to go forward as the process is
30 presenting going through and then the next cycle would be to go
31 to this area and we do have on the agenda a discussion
32 discussing alternate ways of looking at the c&t process.
33

34 CHAIRMAN FLEENER: Steve, we actually did discuss
35 customary and traditional, Page 7 in Tab C. There's a little
36 bit -- there's not much written here, but we did discuss
37 customary and traditional a little bit. They mostly went over
38 the back log of the customary and traditional determinations
39 around that. But you are right we do need to take it to a
40 higher level.
41

42 MR. GINNIS: Yeah. I guess the point I'm trying to
43 make is that I did make a motion that the current process be
44 utilized, but in the future that some other method be looked
45 at. And from this information here, the issue that was raised
46 was just the back log, that's the way I look at it. So I guess
47 we need a little better follow-up on that particular motion,
48 not thinking that we're just going to leave it as it is. That
49 a lot of that -- part of that motion is to make a change.

0028

1 CHAIRMAN FLEENER: I think I brought it up at that
2 joint meeting and we were discussing it for a little while, but
3 it didn't seem to go very far. It seemed like the other Chairs
4 had a lot of other things that they wanted to discuss. But the
5 next time we get together, I'll make sure that I push it
6 through a little harder. But I remember bringing it up and
7 discussing it, it just didn't go as far as it should have
8 probably.

9
10 MR. STARR: Mr. Chairman?

11
12 CHAIRMAN FLEENER: Yes.

13
14 MR. STARR: I don't know how many years ago when I was
15 on the Tanana Chief Task Force, that was brought up then the
16 c&t determinations. It has been years and years ago and
17 there's nothing been done about it. So I hope they just push
18 it, like Steve Ginnis said, just keep pushing that.

19
20 MR. TITUS: Years and years and nothing been done, the
21 determination.

22
23 CHAIRMAN FLEENER: Yeah. We haven't done a whole lot
24 on it and I think part of the problem is that, us as Native
25 people are relying too much on agencies to do these customary
26 and traditional determinations. And I think that's a lot of
27 the problem, is we're waiting for people from outside to tell
28 us or write down how we customarily and traditionally use our
29 animals. And I think that's part of the whole problem. I
30 think we need to change our focus and get people in the
31 villages involved in writing these papers up and telling them
32 how we traditionally and customarily have used these animals.

33
34 MR. TITUS: Mr. Chairman, just like in every village,
35 they know what's out there, just like I said this morning.
36 They know what's out there and they go out and hunt. So they
37 don't know what's out there, they know the species that's out
38 there. I think that's got to be pushed like Steve says.

39
40 CHAIRMAN FLEENER: Yes, Vince.

41
42 MR. MATHEWS: Mr. Chairman, also on that, I have my
43 attempt to capture that, which I hope you will look at very
44 closely in the draft annual report which I was able to get
45 done. So it is in the annual report, it needs to be refined
46 with your input on your proposal to change the c&t process. So
47 that's an agenda item down a little bit further, but, yes it's
48 in there. But we need to keep moving forward with it and
49 assistance is needed in making sure it conveys exactly what you

50 want in the c&t process.

0029

1 MR. TITUS: The c&t process should include the habitat
2 of the fish and wildlife and the spawning grounds that we
3 traditionally live off of, not just certain areas. And
4 breeding grounds and where they -- ducks drop their eggs and
5 all that, just totally -- everything that our subsistence
6 depends on, not just certain areas of the land and waters.

7
8 CHAIRMAN FLEENER: Is that all you have on the Federal
9 Subsistence Board?

10
11 MR. MATHEWS: Yes, that's all we have.

12
13 MR. GINNIS: One more question, Mr. Chairman?

14
15 CHAIRMAN FLEENER: Yes.

16
17 MR. GINNIS: Regarding the compensation?

18
19 CHAIRMAN FLEENER: Yes.

20
21 MR. GINNIS: I didn't catch your name?

22
23 MR. KNAUER: Bill Knauer.

24
25 MR. GINNIS: Oh, Bill, okay. You know, this issue has
26 been brought up, I don't know, since when? Now, I guess you
27 guys discussed this in January?

28
29 CHAIRMAN FLEENER: In November, at the November meeting
30 we discussed it.

31
32 MR. GINNIS: Oh, November?

33
34 CHAIRMAN FLEENER: Yeah.

35
36 MR. GINNIS: What month did you discuss this issue, is
37 it in November or January?

38
39 MR. KNAUER: Both. The Council Chairs brought it up as
40 an item of concern to the Board members. And the Board members
41 at that time made the commitment to research the issue to
42 determine the budgetary process that would be necessary to
43 accomplish that and the procedures. And in the January work
44 session of the Federal Subsistence Board, they directed Staff
45 to prepare the documentation and send it forward to the
46 Secretary for his action.

47
48 MR. GINNIS: Well, I guess I kind of question the
49 timing, okay, between when the meeting took place and when this

50 letter supposedly is being sent out. I mean there seems to be

0030

1 some time lag there. You know, if you met on January 21st and
2 today is what, the 4th of February, there seems to be a little
3 time lag in there. I guess I'm just trying to say, let's
4 follow-up on these things. You know, let's not wait around. I
5 mean I don't think it takes much to write a letter to the
6 Secretary of Interior regarding this issue. You know, I guess
7 the timing, that's what I'm talking about.

8
9 MR. MATHEWS: I don't know how to respond to the timing
10 question other than the fact that the Board set its schedule to
11 meet in January so we were dictated by their schedule and so
12 that's where that would have come in. From there, it has to
13 have all different levels of approval. There's a lot more at
14 stake at this than just the 10 Regional Councils, that's why it
15 may take longer than we would like to get an answer of yes or
16 no. There's tremendous amounts of advisory committees and
17 councils across the nation, so Washington has to look at this
18 from a national prospective. So I caution you now to, don't
19 expect a response fairly soon on it, but I could be wrong on
20 that. But there's implications with all the committees and
21 councils that are established for various programs nationwide.

22
23 MR. GINNIS: Are you telling me that in order to push
24 this item that we got to get the approval of the rest of the
25 Regional Councils?

26
27 MR. MATHEWS: No. We do not have to get approval for
28 the rest of the Regional Councils within the State, it's a
29 balancing question of budget on a national budget. So it's
30 going forward. It's a great step forward to have the Board
31 agree to go forward with this, so it is moving, in my opinion,
32 fairly rapidly as far as in a program viewpoint. As far as an
33 individual, trying to cover their costs, no, it is not going
34 rapidly in that. But from a program point of view, this is
35 quite rapid to have this turnaround this quick and to the
36 Secretary.

37
38 MR. GINNIS: I will switch gears on you here. On this
39 discussion item, Alaska Native Policy, is that Native hire; is
40 that what that issue is? Alaska Native Policy it says here,
41 it's not very clear what it's talking about?

42
43 MR. MATHEWS: Well, let me get the -- clear the facts
44 up and then Craig can fill in the context of it. That was by
45 several of the Chairs at the joint meeting that there needs to
46 be an Alaska Native policy. When the discussion evolved, it
47 was broader than what people had thought, so they decided to
48 divide it up into two policies; one would be a Native policy to
49 cover just this program and within its jurisdiction and within

50 its parameters, which is a rural preference. And then there

0031

1 was going to be a second Native policy that would have broader
2 implications of Native concerns beyond the jurisdiction of the
3 Federal Subsistence Program.

4
5 I need to warn you or caution you that this is an
6 initiative by the Chairs to do this. The Federal Subsistence
7 Board agreed to have a -- allow time and with travel and that,
8 to have all the Chairs come in a day early for the -- before
9 the meeting in April to go over all the proposals so the Chairs
10 could sit down and work on the first Native policy to deal
11 within this program. So again, that is a step forward there to
12 -- the Board is allowing the Chairs to meet on a topic that's
13 kind of somewhat in a grey area within the program. So they
14 can draft this up and then the Board and Staff will assist in
15 getting that to the proper authorities. If I didn't capture
16 that right, I think Bill or someone else will correct me on
17 that. But that's the directive that I understood. And Craig
18 can tell you more about that and then the fact that we have
19 polled all the Chairs on this topic also.

20
21 MR. GINNIS: I mean what's the purpose or the intent of
22 the policy? I mean is this for more Native hire or is it
23 for.....

24
25 CHAIRMAN FLEENER: I'll go ahead and answer that maybe,
26 the Alaska Native policy is basically to dictate more how the
27 -- I guess Fish and Wildlife Service would work with tribes and
28 not just work with -- there's got to be a separation somehow.
29 A lot of people have said, anyways, that there needs to be a
30 separation of just rural people, because there's a lot of rural
31 users that are non-Native and a lot of people pointed out a
32 concern that Natives need a separate policy in dealing with
33 Fish and Wildlife Service. It's not what -- it doesn't have
34 anything to do with hire, I don't think that was any intent at
35 all. But it was mostly in natural resource, policy making and
36 regulations.

37
38 But it's just the very beginning of it. We really
39 don't have anything more than just the idea that there needs to
40 be a Native policy.

41
42 MR. MATHEWS: There was concern that the program needs
43 to be made aware of the importance of Native use of subsistence
44 resources and that needed to be reinforced with a policy there
45 within. Beyond that it's not clear what the Chairs wanted.
46 And when I called all 10 Chairs, except was unable to reach two
47 of them, there was varying viewpoints on what that policy
48 should be. So it's in a developmental stage. I think the
49 Chairs have educated the Board of the need to look at this.

50 And I'm almost positive -- well, I'm positive that whatever the

0032

1 Chairs come up with will come back to the 10 Councils for
2 review before it would go forward as a potential draft Native
3 policy for the Federal Subsistence program.

4
5 CHAIRMAN FLEENER: All right. Vince, maybe we can go
6 on to the Regional Council correspondence.

7
8 MR. MATHEWS: Thank you, Mr. Chairman, I have more
9 crackers in my mouth. Maybe it would be a little easier to
10 cover this one, I hope.

11
12 If you turn to Tab D, I'm continuing to do as we've
13 done in the past, unless the issue is of high importance that
14 both the Chair and I -- well, mainly the Chair, feels that it
15 should be distributed when received, I generally make copies
16 and put them in your meeting book. Under Tab D is the
17 correspondence received to date. Letter number one -- I'll
18 just summarize it. I think in the past we agreed to summarize
19 it so it's on the record. Is that okay with everybody or do
20 you just want to look at them? Okay, I'll summarize as brief
21 as possible. If there's questions we can go forward.

22
23 This is a letter from John Vale, Chairman of the
24 Wrangell-St. Elias National Park Subsistence Resource
25 Commission, it's dated January 9th. This is explaining to you
26 that you have an appointment to the Wrangell-St. Elias and that
27 the appointee must be a member of the Regional Council or local
28 advisory committee. He explains that Frank Entsminger is a
29 current appointee and his term expires March 1997. The
30 Subsistence Resource Commission would like to encourage you to
31 reappoint Mr. Entsminger. Mr. Entsminger is here and he will
32 be speaking later on other agenda topics. That's letter number
33 one.

34
35 Letter number two is from Tom Boyd, Deputy Assistant
36 Regional Director of Fish and Wildlife Service to Lee Titus.
37 This is concerning your request to have a meeting with -- well,
38 actually I shouldn't have had this in here, this is a slip-up,
39 but anyways, we'll get it on the record. Slip-up, meaning we
40 already covered this last fall. But basically you had a
41 request to have a special session to deal with the State
42 summary of possible Alaska solutions to the subsistence
43 impasse. This is a response to that saying that they could not
44 authorize that. And I apologize for that getting slipped in
45 here.

46
47 The same with the next letter, I don't know how these
48 got in here, but they got in here. It's from Denali SRC asking
49 you for your unanimous support of Proposal 19, which is last

50 year, that's already been addressed. I apologize for that.

0033

1 The following one is -- it's concerning the topic that
2 we're going to talk about later. This is the letter I sent
3 you, a cover letter, concerning the Congressional request for
4 information on leg-hold trap use within National Wildlife
5 Refuges across the nation. And there is a supplemental Federal
6 Register notice attached to that. And we'll be talking about
7 that later, there'll be a presentation from Fish and Wildlife
8 refuge staff on the trapping. Any questions on the -- well,
9 first I should ask, did anyone else receive correspondence?
10 Sometimes our mailing lists get twisted around or whatever and
11 Council members get copies and Staff do not just because of
12 computer errors. Okay.

13
14 If you turn to Tab E.

15
16 MR. TITUS: I have a question.

17
18 MR. MATHEWS: Oh.

19
20 MR. TITUS: On this leg-hold trap, what kind of action
21 could we take on this? I mean is there a.....

22
23 MR. MATHEWS: The action you can take on that is --
24 basically its asking the public for its use of leg-hold traps
25 on refuges. And there is a clause in there about humaneness.
26 I think the actions that you can take is that up to February
27 15th they're taking public comments. Craig Fleener has a draft
28 letter that's in the material here that you could use as a
29 template or adopt as your response to them as a Council. That
30 would be option one, to respond to the request on that. Beyond
31 that, there was a letter sent from the refuges -- I'm not sure
32 if Yukon Flats did, yes they did, I knew Kanuti did, I didn't
33 know if they did. So there may be some other aspects that can
34 be taken when that agenda item comes up. The main thing would
35 be to comment about the importance of trapping on wildlife
36 refuges to the interest that you represent, subsistence
37 interests.

38
39 CHAIRMAN FLEENER: Where would be showing and
40 discussing that letter on the agenda?

41
42 MR. MATHEWS: Okay. That letter would be under K, Tab
43 K, Congress' request for trapping information. And we have
44 that later on the topic and I do have copies -- there's a page
45 missing of Mr. Fleener's draft letter and I have copies of
46 that. It will be at approximately 9:00 a.m. tomorrow morning
47 depending on where we're at.

48
49 I'll continue with letters, that was using your

50 letterhead and was signed by your Chair or in his absence.

0034

1 There's just -- well, there's two actually. There's the one
2 that we talked about a little bit earlier about letter to all
3 the 10 Chairs asking them to discuss co-management at the joint
4 meeting. Last meeting I experimented and this is the
5 experiment -- I believe I provided this to Steven Ginnis, I'm
6 drawing a blank on this, that I developed a news release
7 following the meeting as soon as I possibly could and provided
8 it to the radio stations that cover your area, basically the
9 radio station out of Ft. Yukon and et cetera, KJMP and et
10 cetera, they carry more of a rural news. You may want to look
11 at it and give me your feelings on it. I will go ahead and do
12 one for this meeting, but I have to -- I will be running it
13 through our media staff to make sure I get the right format and
14 all that. So did anybody hear any of the radio stations pickup
15 on this? You are representing a large region and a lot of
16 people that are dependent on resources. And I think maybe the
17 radios would pickup on it, I know they did for Western
18 Interior, I don't know about Eastern.

19
20 MR. GOOD: Vince, I did hear it coming through
21 Glennallen.

22
23 MR. MATHEWS: For the record he heard it through
24 Glennallen. Hopefully you weren't speeding, I hope. But
25 anyways, if you have any formatting or comments on that, please
26 let me know. But the approach of this is to let the users that
27 you represent know what you did and to give you the recognition
28 of your position. And so please let me know if this meets
29 those objectives or if there's other objectives that I need to
30 know of.

31
32 That's it that I know of that we've used your
33 letterhead on. There may be others in this box underneath here
34 but they'll come up as we go through topics.

35
36 CHAIRMAN FLEENER: Any questions?

37
38 MR. GINNIS: Yes. As far as the minutes of these
39 meetings, who receives those, the minutes?

40
41 MR. MATHEWS: Okay. The minutes of the meeting are
42 sent to everyone on the mailing list. For your region that's
43 125 people. It varies from all the tribal councils and village
44 councils to key people on local advisory committees and to each
45 of the Council members and various staffs on that. If we need
46 to look at that further, that'd be great. But that's where the
47 minutes all go to. In general, I usually get responses from
48 Staff saying this is right or that is wrong, but periodically I
49 do get calls from tribal councils saying what was this topic

50 about, can you tell me more of what was discussed. So that's

0035

1 pretty much it on that, it's either 113 or 125, I can't
2 remember on the mailing list.

3

4 CHAIRMAN FLEENER: Go ahead, we'll move to the next
5 item.

6

7 MR. MATHEWS: I'm going to have to stop eating
8 crackers. The next item is C on your agenda, which is annual
9 reports. I'll pass them out. They're blue in color because
10 you're going to get a lot of handouts and I want to make sure
11 that you can kind of sort through your handouts. While you're
12 passing that around I'm not going to make any excuses here.
13 The annual report is late, that's my responsibility. Many
14 things had happened with me, personally and et cetera which
15 required that I would be outside. Due to that I lost two
16 weeks, so I apologize for the lateness of this. And we will
17 perform better in the future now that we have a full team back
18 on board with the hiring of Pete DeMatteo. George Sherrod --
19 it's not mentioned, but I think it should be mentioned, his
20 wife passed away January 22nd and that has -- due to her long
21 illness took up a lot of his time, so soon will be up to full
22 strength and hopefully never again have to say, we're late on
23 something.

24

25 CHAIRMAN FLEENER: On the agenda this says review and
26 approval. Are we looking to approve this?

27

28 MR. MATHEWS: I think at this point we would not be
29 able to do approval because your standing committee of the
30 Chair, vice-chair and secretary have not seen this.

31

32 I have talked with my supervisor on it, I think we will
33 just have to work within the system to see how we can get this
34 inserted at this time. I think after we explore the annual
35 report itself, we may need to decide on directions for making
36 actions. Let me explain it to you and then let you digest it.
37 Last meeting we asked for topics for the annual report, they're
38 done in bold type and underlined. So you asked to look at
39 customary and traditional use determinations. You asked to
40 look at continuing insight -- interest in the oversight of
41 offshore trawl fisheries. And there was discussion about moose
42 populations in Unit 25(D) and beaver and white fish concerns.
43 In the past your annual reports just had a summary of Regional
44 Council actions, so that's your next bold item. Okay. And
45 then what I've done for my own knowledge and for Staff's
46 knowledge, but I'm sharing it with you also and I do appreciate
47 comments from various Staff, including the State and others on
48 this; I went ahead and did a chart of each community that we
49 knew of studies done on and what those studies found as far as

50 resource use -- resource use by estimated pounds and by pounds

0036

1 per capita. I had hoped to have time to take all the harvest
2 data and also -- the harvest data being from harvest tickets,
3 this data that you have here and chart done from community
4 studies done by the Alaska Department of Fish and Game,
5 Division of Subsistence. I had hoped to get the harvest ticket
6 ones done, but time did not allow. This objective of the last
7 section was to give you an idea of what knowledge, as far as
8 data, is out there. And to let you know what we're working
9 from. Including in those is the 1990 census data for all the
10 communities in Eastern Interior. So for example, Bird Creek,
11 1990 had 42 residents there, the percentage of Alaska Native is
12 91 percent.

13
14 So I'll leave you to look at the annual report, but
15 that's how it was structured and I'm open to assist in getting
16 this.....

17
18 CHAIRMAN FLEENER: Is this format, with the summary of
19 harvest here, is that standard within the agency or is that
20 your own thing there?

21
22 MR. MATHEWS: No. I borrowed it from Kodiak Aleutian
23 Island's report. Computers are great and that's what came out
24 of the computer. It can be manipulated and changed in other
25 ways. For the public, I don't know where the extra copies of
26 the annual report went, but they're available somewhere.
27 They're blue. Okay, they're out on the public table.

28
29 MR. MILLER: I would just like to point out for the
30 record that -- the harvest data from the Alaska Department of
31 Fish and Game, that's just what was turned in, right?

32
33 MR. MATHEWS: The data that's in front of you is from
34 the community studies that were done in 1987 on Dot Lake.

35
36 MR. MILLER: Okay. I'd just like to point out that a
37 lot of people that hunt don't actually turn in or, you know,
38 this is just like.....

39
40 CHAIRMAN FLEENER: Half the picture.

41
42 MR. MILLER: Yeah, half the picture here.

43
44 MR. MATHEWS: This picture that is here is when Staff
45 from the Division of Subsistence with the State had a community
46 survey, a questionnaire.

47
48 MR. MILLER: Yeah.

49

MR. MATHEWS: When they went through -- this is not

0037

1 when you turn in your harvest tickets.

2

3 MR. MILLER: Okay. I remember when they did the
4 questionnaire and half the people just threw them away. So,
5 you know, you don't get the whole picture in these types of
6 surveys. I just want to make that point.

7

8 MR. MATHEWS: I think that's one reason why I'm not --
9 that's one reason why I put this in here is that, through this
10 process and the other Council members can understand, the
11 relevance of the data and the importance of the data and the
12 need to collect more information. And maybe with your
13 assistance, some of the data gaps can -- assist -- you know,
14 your support for collecting more data can help get that done.
15 Because decisions are getting more and more complex.

16

17 CHAIRMAN FLEENER: Has much information been made
18 available from what the CATG -- in their harvest assessment?

19

20 MR. MATHEWS: Mr. Chairman, no. That I'm -- I don't
21 know the status of the Council of Athabaskan Tribal
22 Government's cooperative agreement, that data. I know it's
23 been collected, I know it's been put into computer format, but
24 I don't think it's been added to the -- and maybe Terry can
25 correct me on this, if that's going to go directly into the
26 community profile database that the State has developed. But I
27 know it's structured to fit right in there, but I don't know --
28 that was under George.....

29

30 CHAIRMAN FLEENER: Sherrod.

31

32 MR. MATHEWS:direction and until he returns, I
33 don't know. This data here does not have -- that information
34 does not have the recent, let's see, '94/95, Tanana Chief
35 Conference cooperative harvest data collection.

36

37 CHAIRMAN FLEENER: Well, that makes me wonder about the
38 value of this type of information and why maybe we shouldn't
39 include this in the report because -- I don't know what the
40 rest of the Council thinks, but if this is 50 percent of the
41 information or less or more and if somebody from Washington
42 maybe reads this and says, gee, they don't look like they need
43 fish anymore up there because they're not harvesting any, you
44 know, it could provide some bogus information that could --
45 that we don't want passed out.

46

47 I think that we would probably support more information
48 gathering and better information gathering. But I don't know
49 if -- I don't necessarily think that the agencies can do a good

50 job at it because a lot of people are just not willing to share

0038

1 that information with them. That was the reason for working
2 for the Fish and Wildlife Service working with CATG in the
3 first place. I thought so they could get better and more
4 information. And when I worked there it was pretty successful
5 for the first year and a half, at least, that we got a lot more
6 information. You know, three times the amount of information
7 that the State was able to gather. So I think that -- I know
8 that I support better information gathering. But I don't know
9 if we want to include this or not because it paints a pretty
10 awful picture if it's not accurate.

11
12 Steve.

13
14 MR. GINNIS: Mr. Chairman, I guess after reviewing this
15 annual report, one thing I don't notice in here is the
16 discussion we had in Stevens Village regarding co-management.
17 That's a very important issue to many of us on this board. And
18 I would like to see that really strongly emphasized somewhere
19 in this report. That, you know, we just want to get lip
20 service to this idea of co-management, we want to see some
21 results, you know, as a result of our discussion. And I would
22 request that it be put in bold letters like this here.

23
24 CHAIRMAN FLEENER: Um-hum. (Affirmative)

25
26 MR. GINNIS: And some explanation. Now, in Stevens
27 Village, primarily the way I looked at it was there was just a
28 presentation provided to us about different methods of co-
29 management. That doesn't take us to where we'd like to go. So
30 I'd appreciate it if you would include that in the annual
31 report because co-management is something that's going to
32 become a reality sooner or later. And if we want to be
33 actively involved in our resource management around our areas,
34 that's about the only way we can get it accomplished.

35
36 CHAIRMAN FLEENER: Another thing, too, with this type
37 of information here in the graph, back to the graph, if this
38 information is looked at by resource managers, they might take
39 this information and if these numbers are extremely low they
40 could use these -- I don't know, but it seems they could use
41 these in policy making and that could -- that might effect how
42 things are dictated in our area.

43
44 MR. MATHEWS: Not to defend the data or anything like
45 that or the presentation thereof, but this is the data that's
46 being used now on all proposal analysis. The audience of this
47 annual report would be the Federal Subsistence Board which is
48 exposed to that same data. So the protection of your interests
49 and your concerns on data are very valid. While both in your

50 lap and the Staff that supports you makes sure that we reflect

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1 what is really going on out there and that's one reason why we
2 meet in communities like -- we get away from Fairbanks and get
3 out to the communities like Tanana and Ft. Yukon and Northway
4 so we can hear what is there and what the uses are.

5
6 MR. GINNIS: Mr. Chairman, I haven't heard a response
7 to the issue that I just raised about co-management.

8
9 MR. MATHEWS: It's not my decision to put it in or out.
10 So I mean I can say yes or no, it's your annual report, if you
11 want it in, I need your direction.

12
13 CHAIRMAN FLEENER: Yes.

14
15 MR. GINNIS: Well, in that case, I'll move that the
16 annual report for -- what year is it, '96?

17
18 CHAIRMAN FLEENER: Yes.

19
20 MR. GINNIS: Reflect the co-management discussion that
21 took place in Stevens Village.

22
23 CHAIRMAN FLEENER: There's a motion on the floor.

24
25 MR. MAYO: Second.

26
27 CHAIRMAN FLEENER: Second. Is there any discussion?

28
29 MR. GINNIS: Question on the motion.

30
31 CHAIRMAN FLEENER: Question's been called. All in
32 favor of the motion signify by saying aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN FLEENER: All opposed, same sign.

37
38 (No opposing votes)

39
40 CHAIRMAN FLEENER: Motion carries. Now, traditionally
41 have these annual reports been this thin? It just doesn't look
42 like we do a whole lot.

43
44 MR. MATHEWS: No. There's a variety over time, meaning
45 from the beginning, that annual reports were acquired. They
46 have been 15, 20 pages to less. In general most of the annual
47 reports now have evolved around being just issues that are
48 outside of the proposal review process that the Councils want
49 the Board to know of and don't have another way of conveying

50 that and want to use the annual report to convey those issues,

0040

1 but also to use for tracking.

2
3 CHAIRMAN FLEENER: Or you could put things in there
4 that you see as extremely important?

5
6 MR. MATHEWS: Correct.

7
8 CHAIRMAN FLEENER: Not just something that's not in the
9 proposals?

10
11 MR. MATHEWS: Correct.

12
13 CHAIRMAN FLEENER: Yeah.

14
15 MR. MATHEWS: Correct. You can emphasize again, an
16 importance of a topic. The audience is the Federal Subsistence
17 Board and they do review them.

18
19 MR. GINNIS: Mr. Chairman, I've got another question
20 regarding these offshore trawl lease fisheries. At the end of
21 this thing you say, do we need a resolution? Well, what are we
22 asking, from the Board?

23
24 CHAIRMAN FLEENER: Um-hum. (Affirmative)

25
26 MR. GINNIS: You know, there was a reso -- this issue
27 came about as a result of a resolution that was passed by this
28 Board here and yet you're asking for a resolution?

29
30 CHAIRMAN FLEENER: Does the Board need a resolution for
31 us to.....

32
33 MR. MATHEWS: The Board has seen your earlier
34 resolution. What I'm asking down there, do you want to bring
35 it up again, I'm sorry.

36
37 MR. GINNIS: Oh.

38
39 MR. MATHEWS: That capital -- do you want it re-put in
40 there. The Board looked at your annual report the last time
41 and on the issues that were outside their jurisdiction, they
42 forwarded to the agency in question, which would be National
43 Marine -- I believe it was forwarded to the National Marine
44 Fisheries Service and we have not received a response from them
45 yet. So where it has it in brackets and caps, that's where I'm
46 asking you what to do. And then the whole section underneath,
47 moose populations in 25(D) and beaver and whitefish, I also
48 need to know.....

49

CHAIRMAN FLEENER: Okay.

0041

1 MR. MATHEWS:what.....

2

3 MR. GINNIS: In that case, Mr. Chairman, I'll -- as far
4 as these offshore trawler -- the fisheries are concerned, I'd
5 like to move to reintroduce a resolution. I forgot what
6 meeting it was introduced in.

7

8 MR. MATHEWS: In Tok.

9

10 MR. GINNIS: In Tok?

11

12 MR. MATHEWS: Um-hum. (Affirmative)

13

14 MR. GINNIS: Last year, I believe. So the motion is to
15 reintroduce that resolution on the trawlers fishery issue.

16

17 CHAIRMAN FLEENER: There's a motion on the floor, is
18 there a second?

19

20 MR. TITUS: I second it.

21

22 MR. GOOD: Second.

23

24 MR. MAYO: Second.

25

26 CHAIRMAN FLEENER: We got about five seconds, is there
27 any discussion?

28

29 MR. TITUS: Question.

30

31 CHAIRMAN FLEENER: Question's been called. All in
32 favor signify by saying aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN FLEENER: All opposed same sign.

37

38 (No opposing votes)

39

40 CHAIRMAN FLEENER: Motion carries.

41

42 MR. GINNIS: Okay. Mr. Chairman, the other issue has
43 to do with the Yukon Flats area of increasing moose population
44 in Unit 25(D), Southwest and the beaver and whitefish concerns.
45 What I recall from this is these are issues that I brought
46 before the Council. I was very concerned about the decline in
47 the moose population in Unit 25(D). And this is something that
48 has just been coming back to us continuously it seems like to
49 me. And I think in Stevens Village we made some decision there

50 that the Yukon Flats refuge people work with the villages in

0042

1 the Yukon Flats that's effected by this declining moose
2 population. Now, I don't know how that -- where that's at
3 right now.

4
5 In terms of the beaver, the issue I raised there is
6 there seems to be an overpopulation in the Yukon Flats of
7 beaver which is effecting some good whitefish -- where once
8 upon a time good whitefish came out of these creeks, they're
9 all damned up now. Now, in that case I was trying to change
10 the Federal -- or I mean the State regulations to allow us to
11 shoot them. And as far as I know, what the Council did here is
12 they went ahead and recommended my regulation change to the
13 Board. And I haven't heard whatever became of it. But I don't
14 understand your questions here. It says, moose population in
15 25(D), what do you want from the Board and what do we want them
16 to hear from us?

17
18 MR. MATHEWS: Yeah. I'm saying there that I didn't
19 have the time to develop with you and with the others on the
20 committee on the annual reports to find out what you really
21 meant by that. And I know editing or writing a report by
22 committee like this is extremely difficult. But that's why I
23 put them in there. I put the knowledge that I knew. And I can
24 address the beaver one, but first I think we need to focus on
25 the moose one. And I think in the agency report section,
26 there's some discussion possibly from the refuge staff on --
27 I'm not sure, yeah, there is.

28
29 MR. GINNIS: Well, on that issue I can just leave that
30 until we get to the refuge reports.

31
32 MR. MATHEWS: Okay.

33
34 CHAIRMAN FLEENER: Okay.

35
36 MR. GINNIS: But it was very clear to me at the Stevens
37 Village meeting that there was supposed to have been some sort
38 of collective working group made up of, I believe, Stevens
39 Village, Beaver and Birch Creek to try and work out a solution
40 for this moose decline in that area. So I can wait off on
41 that. Now, we can go on to the next question.

42
43 CHAIRMAN FLEENER: Nat, has a question.

44
45 MR. GINNIS: Here you go.

46
47 MR. GOOD: I guess this is for Randy. As I recall from
48 the Stevens Village meeting, weren't you also asking for
49 specifically predator control?

0043

1 MR. MAYO: No. No, we weren't asking -- we don't ask
2 for nothing to implement, you know, problems in our tribal
3 jurisdiction. I remember that topic came up. The problem with
4 -- you know, what we said that if there's going to be any kind
5 of control or anything, we'll do it, you know, instead of, you
6 know, we're not all about asking the agencies if we can live or
7 breath or do certain things in our territories, you know. If
8 there is a predator control problem, we'll look at the -- and I
9 talked to Ted about this, about the contract -- about programs
10 that are available to tribes and we need the total budget for
11 the Yukon Flats Refuge and the breakdown and the, you know,
12 project dollars for certain programs like predator control and
13 the tribal government can go for contracts. And, you know,
14 recently we got a handout from the refuge, they did a moose
15 survey. And, you know, they worked with some Beaver -- people
16 from Beaver and they might have sent some notification but we
17 didn't know about it until after they conducted this study.
18 And, you know, that was in our use area. So anyway we have a
19 real problem with that.

20
21 CHAIRMAN FLEENER: Steve, do you want to continue?

22
23 MR. GINNIS: Um?

24
25 CHAIRMAN FLEENER: Did you want to continue?

26
27 MR. GINNIS: Well, I think I'm done with -- I mean I'm
28 just trying to address these issues that have been raised here.
29 And as far as I'm concerned, I thought I explained my position
30 well enough that it wouldn't have to be brought before us
31 again. You know, so I guess -- I don't know, I just -- what do
32 you need from the board in terms of this beaver and whitefish
33 issue?

34
35 MR. MATHEWS: The beaver one, I lay down below that
36 underneath there, what the Council has done and I've gotten
37 confirmation on what the State has done. You're correct that
38 the Regional Council put in a Federal proposal to have a
39 hunting season for beaver, not a trapping season, a hunting
40 season, which was put into regulation. They also sent a
41 petition to the Board of Game to ask that it be taken out of
42 cycle, the Board of Game did take it up out of cycle. And what
43 they did with that was -- under trapping regs, they established
44 a similar season, but that you could shoot beaver from, let's
45 see, April 16th through June 1st, with a bag limit of 50 per
46 season. And during the season of -- this is real confusing, I
47 don't have my trapping regs here, but the season of April 16th
48 to June 1, it would be -- the bag limit would be one beaver per
49 day and that was to protect the beaver population. So both the

50 Board of Game and the Federal Subsistence Board has responded

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1 to your request on beaver. I didn't know further what you
2 wanted addressed in the annual report on beavers.

3
4 The Board has said at the last meeting when it reviewed
5 annual reports it wanted to know specifics of what the Regional
6 Council wanted and what actions the Board should take on it.
7 And so I wasn't clear what -- that's why I had the question
8 there of what do you want the Board to do and what do you want
9 them to hear.

10
11 MR. GINNIS: Okay. You're correct. There was two
12 parts of my motion, okay. One was to address the beaver issue
13 and that was to propose a regulatory change, which is -- which
14 happened here. Now, in terms of the whitefish, that isn't
15 addressed here. And when I made that motion -- what I asked
16 for was some funding to open up these streams where these
17 whitefish can come back through again. Now, that's not
18 reflected here. So it was an issue dealing with beaver and an
19 issue dealing with whitefish.

20
21 CHAIRMAN FLEENER: Vince, I got a question about that
22 moose population thing. If we're worried about the way the
23 moose are managed and it's not really a harvest season type of
24 change, we want to increase the moose population, would
25 something like that go through the Board of Game -- I mean the
26 Federal Subsistence Board, excuse me?

27
28 MR. MATHEWS: You're saying that you want to do
29 something other than a season and harvest limit?

30
31 CHAIRMAN FLEENER: Well, this is just another question,
32 I'm not precisely sure. But it seems to me that if they are --
33 there's a low moose population, it's not just changing the
34 season that's going to increase the moose population. If we
35 want to increase moose population it's got to do with
36 management of the.....

37
38 MR. MATHEWS: Yes. That would fall underneath the
39 prerogative of the managing agency, which Fish and Wildlife
40 Service would be the one. And I think Ted or Greg are going to
41 be talking about where the planning process has gone on that.
42 So I think in answer to your question, the Board does not deal
43 with land managing issues, it deals with seasons and harvest
44 limits and methods and means.

45
46 CHAIRMAN FLEENER: So this Council here says, we think
47 that we want an increase in moose population and here's a few
48 ideas, how do they implement that? Let's say they disagree.

49

MR. MATHEWS: Well, if they're going to disagree on it

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1 -- the Board would be an avenue to discuss your concerns and to
2 try to apply leverage to the agency. But the Board does not
3 deal with land management itself.

4
5 CHAIRMAN FLEENER: Only regulations?
6

7 MR. MATHEWS: Correct. But I don't think you're going
8 to have that problem. I don't want to mislead the audience
9 here, the -- the Staff of the refuges, you know, have been
10 working very hard to work things out and yes, there probably
11 could be improvements but they're working in that direction.
12 So I don't want the audience to believe here that there's
13 foot-dragging on this, there is not.

14
15 CHAIRMAN FLEENER: So are you thinking mostly about
16 regulation changes, Steve, or are you also talking about
17 managing the moose population differently?
18

19 MR. GINNIS: Well, I think I'd like to try to address
20 both of them. And we can wait off until we get to the refuge
21 report to deal with that moose population issue. Primarily,
22 I'd like to know what's going on with it. I'm getting tired of
23 bringing this issue before this Council. There's something
24 that needs to be done here. You know, we certainly can't
25 ignore the decline in the moose population. And I know just
26 recently they did a moose survey up in that area and I'm not
27 too sure what the results of that is, but I'll be interested in
28 finding that out also. So I guess we can just wait off on this
29 moose -- this issue here.

30
31 CHAIRMAN FLEENER: I just mostly wanted to clarify that
32 it's not just a regulation issue is all?
33

34 MR. GINNIS: No.

35
36 CHAIRMAN FLEENER: It's also a management issue.....
37

38 MR. GINNIS: Right.

39
40 CHAIRMAN FLEENER:and it's not just going to be
41 handled through the Federal Subsistence Board.

42
43 MR. GINNIS: Yeah.
44

45 MR. MATHEWS: And then you could address that in your
46 annual report that you know that it's going to be more than
47 that, that you want X to happen, which would be some kind of
48 planning -- whatever you want it to be so the Board is tracking
49 with you.

0046

1 MR. GINNIS: And Mr. Chairman, one more -- one more
2 item. Vince, I just can't understand why you want to put these
3 harvest information in this report. I think there's a real
4 danger in that, at least, from my perspective anyway. It gives
5 us kind of a breakdown of how much moose or fish and things of
6 that nature are taken. And I don't know if it's in the best
7 interest of this Council to have these included in these
8 reports.

9
10 CHAIRMAN FLEENER: That's fine.

11
12 MR. GINNIS: I would prefer to have that provided to
13 somebody else other than -- my understanding of an annual
14 report is it reflects the activities of the Council during the
15 course of the year.

16
17 MR. MATHEWS: You're correct that the annual report has
18 evolved into that. I suppose I'm just more of a literalist, it
19 says in ANILCA, there's three parts of the report. One is
20 current subsistence needs, the other is current subsistence
21 uses and then concerns. And so I -- it can be dropped, there's
22 no problem with it. I'm just -- the intent of it was to
23 educate new Council members as well as to the Board as to what
24 data is out there in this format. They're getting this data in
25 other formats through proposal analysis. It can be dropped,
26 there's no problem with that. It's your annual report.

27
28 CHAIRMAN FLEENER: Yeah. Well, since this data is at
29 least 10 years old now, I don't know how effective it would be.
30 Maybe it can be provided to us, but not in the annual report.

31
32 MR. MATHEWS: Correct.

33
34 CHAIRMAN FLEENER: Any other questions on this?

35
36 MR. TITUS: I got a question on that beaver -- shooting
37 beaver, it says one a day and the 50 limit. That's 50 days of
38 beaver hunting when you could get it in less time than that.
39 They should revise that limit.

40
41 MR. MATHEWS: Well, I'd have to make sure I got that
42 clear. That's what I quoted to you there was State regulations
43 and I'll have to look that up under trapping under Federal.
44 Bill is looking it up now what the season is under Federal.

45
46 MR. TITUS: For shooting beaver?

47
48 MR. MATHEWS: For shooting beaver. But the problem
49 there was -- the challenge there is navigable waters.

0047

1 MR. TITUS: You're asking the hunter to be out there
2 for at least 50 days to get his limit and that's well into the
3 fire season, 50 days.

4
5 CHAIRMAN FLEENER: I think the whole purpose of this
6 regulation was to decrease the beaver population so that the
7 whitefish can get back up into the streams and stuff. And the
8 -- I know that the State -- some State paperwork you can fill
9 out to get permits to open up these areas and kill more beavers
10 a day if it's necessary, if that's the entire purpose. I don't
11 think the regulation was made to just for people to go shoot 50
12 beaver in the spring.

13
14 MR. TITUS: Well, the sooner you get the beaver out of
15 the way, the sooner you get the fish back.

16
17 MR. GINNIS: So what, do you need a motion to approve
18 this report?

19
20 CHAIRMAN FLEENER: No, we have to.....

21
22 MR. MATHEWS: I think what I would need from you is
23 agreement that what comes out of this annual report -- I'll
24 wait for the -- otherwise we'll.....

25
26 CHAIRMAN FLEENER: I think we need a little more time
27 to review it and go over it before we'd approve it, you know.

28
29 MR. MATHEWS: Right.

30
31 CHAIRMAN FLEENER: You know, at least the Chair and
32 secretary and whoever else -- this committee you were talking
33 about, right.

34
35 MR. MATHEWS: I think what we would need to do is that
36 the -- the annual report is usually adopted by the Regional
37 Council at this meeting. Obviously we're not ready to adopt
38 it. Your next meeting would be fall, so we would be out of
39 cycle.

40
41 MR. GINNIS: Why are you saying that we cannot approve
42 it here with the.....

43
44 MR. MATHEWS: Well, if you would agree to -- the
45 committee hasn't drafted the areas where there's question. I
46 suppose the Council could agree that the annual report that the
47 committee approves would be their report.

48
49 CHAIRMAN FLEENER: Well, I think there needs to be

50 probably some more information in here, you know, we added the

0048

1 co-management thing. I think c&t -- our c&t interests probably
2 need to go in here and a few other things.

3

4 MR. GINNIS: Well, you know, that's the reason why I
5 raised these issues so that they're included in here. I mean
6 that's why this thing is before us, ain't it? I mean I brought
7 up the issue of co-management, I clarified the issue on
8 whitefish and the beaver and the moose, I don't know what else
9 is needed?

10

11 MR. MATHEWS: I suppose I should have been more clear
12 earlier on and I apologize for that, but I don't like mixing my
13 personal life. I was gone -- my mother passed away, I had to
14 deal through that so I wasn't able to get it completed as well
15 as I would liked to have but.....

16

17 MR. GINNIS: Oh, you're asking for time to complete it?

18

19 MR. MATHEWS: I'm explaining why it's late, why it is
20 not strong.

21

22 MR. GINNIS: Oh.

23

24 MR. MATHEWS: We would be out of schedule unless the
25 Council agrees to the subcommittee report. The Board is now
26 going to take up annual reports during the summer and would
27 respond to your annual report at your fall meeting.

28

29 MR. GINNIS: Oh, so there's some time?

30

31 MR. MATHEWS: There -- I don't have the schedule in
32 front of me, I believe the annual reports would be due in by
33 the end of February is my understanding to get through the
34 process.

35

36 MR. GINNIS: If you want it to be on -- I mean if you
37 want to meet that deadline, couldn't a motion be made to
38 approve this annual report with the discussions we had and you
39 could make the changes?

40

41 MR. MATHEWS: I think that would be okay. And you
42 would have to trust your committee to make sure it reflects
43 that and maybe if they feel uncomfortable or uncertain in an
44 area, that then we work the phones. But it would be clear that
45 when we work the phones that it would be for editing and not
46 for voting purposes because then we'll be in violation of FACA.
47 FACA being the Federal Advisory Committee Act, that you can
48 only make decisions in a public meeting that have been duly
49 noticed two weeks prior to the meeting. See everything starts

50 kicking around there. That's why I'm saying, for editorial I

0049

1 think we're okay. If it becomes decisional, then we got a --
2 we have another situation.

3

4 I don't think we have a problem if you agree the
5 committee would go with that and we'll just go. And then if it
6 ends up being weak or concerned, then we'll address that as a
7 group.

8

9 CHAIRMAN FLEENER: What, do we just have a motion to do
10 that? I'd like to see -- since we're not going to take it any
11 further, customary and traditional, our interest in pursuing
12 that and possibly more involvement by the Council in customary
13 and traditional determination and that we're interested in
14 region wide -- we can hammer that out when we look over.....

15

16 MR. MATHEWS: Yes. It's down here as best I could
17 remember from what you said, so the committee will have to edit
18 that under your position of area versus species. And c&t
19 analysis -- or issues brought up from grassroots level versus
20 down -- top down.

21

22 CHAIRMAN FLEENER: Is there a motion to.....

23

24 MR. GINNIS: Okay. I'll move to approve the annual
25 report for 1996 with inclusion of co-management and also the
26 issues that I raised. That is a motion.

27

28 MR. TITUS: But to exclude these number in there,
29 right?

30

31 MR. GINNIS: Oh, and -- yeah, I'll just amend the
32 motion to also exclude the harvest information provided.

33

34 CHAIRMAN FLEENER: Steve Ginnis made a motion, is there
35 a second?

36

37 MR. GOOD: Second.

38

39 CHAIRMAN FLEENER: Second by Nat Good. All in favor
40 signify by saying aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN FLEENER: All opposed same sign.

45

46 (No opposing votes)

47

48 CHAIRMAN FLEENER: Motion carries.

49

MR. GINNIS: Is that fair enough?

0050

1 MR. MATHEWS: That -- hopefully I get it clear this
2 time.

3
4 CHAIRMAN FLEENER: How long will this implementation of
5 Federal Subsistence Fisheries management update take?

6
7 MR. KNAUER: Well, Mr. Chairman, that could take a
8 considerable period of time. I would anticipate that the
9 briefing itself without any questions would probably take 20
10 minutes or more. I would anticipate that your Council will
11 have quite a few questions and desire additional information.

12
13 CHAIRMAN FLEENER: Let's recess for lunch.

14
15 MR. GINNIS: Come back at 1:00?

16
17 CHAIRMAN FLEENER: Yes, we'll return at 1:00 o'clock.

18
19 (Off record)

20 (On record)

21
22 CHAIRMAN FLEENER: I'd like to call the meeting back to
23 order. Steve?

24
25 MR. GINNIS: Mr. Chairman, I'd like to make a motion.
26 You know, we've been talking about co-management and it seems
27 to me that rather than just get lip service to this co-
28 management idea, I'd like to move that you, as the Chair, with
29 two additional Council members form the working group to work
30 on this co-management concept. Basically you will pickup from
31 the discussion we had in Stevens Village where we talked about
32 different concepts of co-management. And, you know, we haven't
33 really made a decision on what to do in regards to this. So
34 that's the purpose of my motion.

35
36 CHAIRMAN FLEENER: Did you get enough of that Bill?

37
38 MR. KNAUER: I think so.

39
40 CHAIRMAN FLEENER: Okay. There's a motion on the
41 table, is there a second?

42
43 MR. GOOD: Second.

44
45 CHAIRMAN FLEENER: Any discussion? Would you like to
46 see a response on this by the next meeting? Should we.....

47
48 MR. GINNIS: Yes. Yeah, I would hope that between now
49 and our next meeting, which will probably be in September or

50 October, that this group get together and start working out the

0051

1 -- I don't know what you would call it, but something for this
2 Board to review.

3

4 CHAIRMAN FLEENER: Okay. Maybe we can just note, at
5 least, that we should get together one time before the next
6 meeting and make a presentation to the whole Council.

7

8 MR. GINNIS: Yeah.

9

10 CHAIRMAN FLEENER: All right. Any more discussion?

11

12 MR. GINNIS: That's a motion -- go ahead.

13

14 CHAIRMAN FLEENER: Any more discussion?

15

16 MR. GOOD: Question.

17

18 CHAIRMAN FLEENER: Question's been called. All in
19 favor of the motion signify by saying aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN FLEENER: All opposed same sign.

24

25 (No opposing votes)

26

27 CHAIRMAN FLEENER: Motion carries.

28

29 MR. GINNIS: Now, you need to make your appointment,
30 Mr. Chairman.

31

32 CHAIRMAN FLEENER: Well, before I appoint anybody, I
33 want to see if there's people that would like to volunteer for
34 it that could be counted on to represent the issue well and who
35 have knowledge of what they want to see go through. Are there
36 any volunteers?

37

38 MR. GOOD: I'll volunteer.

39

40 CHAIRMAN FLEENER: Nat.

41

42 MR. TITUS: I've got too many things going on.

43

44 CHAIRMAN FLEENER: Yes, John.

45

46 MR. STARR: When they have to -- when the Chairs had
47 that meeting, did they bring this up as an issue?

48

49 CHAIRMAN FLEENER: We brought up.....

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1 MR. STARR: Any of the other Chairs?

2

3 CHAIRMAN FLEENER: Well, we brought up co-management,
4 but we didn't make a -- we didn't make a committee to work on
5 it. But we're just forming a committee in this Council right
6 now so we can work on it within our own Council. Right now
7 we're looking for one more volunteer. Steve, do you volunteer?

8

9 MR. GINNIS: No. I -- no, I'd like to, but, you know,
10 I got other things -- I got too many other things already going
11 on.

12

13 CHAIRMAN FLEENER: Chuck?

14

15 MR. MILLER: Sure, I will.

16

17 CHAIRMAN FLEENER: Okay. We got our three people,
18 thanks.

19

20 MR. GINNIS: Who's the other?

21

22 CHAIRMAN FLEENER: Nat.

23

24 MR. GINNIS: Okay.

25

26 CHAIRMAN FLEENER: Okay, the next item on the agenda,
27 letter D under nine. Implementation of a Federal Subsistence
28 Fisheries management update. And Bill you're in charge of
29 that.

30

31 MR. KNAUER: Thank you, Mr. Chairman. I'll tell you a
32 little bit about where we are, what we've been doing, where
33 we're going and why we're doing it. As you know, the Federal
34 Board is considering expansion of the Federal Subsistence
35 Fisheries jurisdiction to better meet the subsistence needs.
36 This action is being taken in response to the 9th Circuit
37 Court's recent decision which is commonly called the Katie John
38 case, which held that the public lands subject to the
39 subsistence priority also include navigable waters in which the
40 United States has a reserved water right. That's a very
41 important concept, in which the Federal government has a
42 reserved water right.

43

44 There are actually two components that we're working
45 on. We're preparing an environmental assessment to comply with
46 the National Environmental Policy Act. We're using much of the
47 information that's already contained in the environmental
48 impact statement that was completed in 1992, the record of
49 decision was -- and we're not going to be repeating that

50 information. That talks about the structure of the program and

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1 so on. But the environmental assessment will focus on changes
2 that are associated with navigable waters and therefore with
3 the anadromous fish. Those fish that spend part of their lives
4 in salt water and part in fresh water. The EA will identify
5 various alternatives. It will evaluate the effects that are
6 related to each alternative, determine whether the effects are
7 environmentally significant and further evaluate the need for
8 an additional environmental impact statement. That's something
9 that we have to do under the National Environmental Policy Act.
10 Also we'll be looking at a preliminary draft proposed rule,
11 which as a basis, takes the State regulations -- State
12 subsistence regulations as a starting point.

13
14 Our progress in the overall effort is somewhat limited
15 by Congressional moratorium that was included in this years
16 budget. It says that we could not public or implement final
17 regulations through this fiscal year. In other words, through
18 September 30 of this year we're not allowed to spend money to
19 public interim or final regulations or implement jurisdiction.
20 We can, however, proceed with the planning effort which we're
21 doing.

22
23 In the environmental assessment we'll be looking at
24 three different alternatives. One is the no action and that's
25 the system that we currently have. In other words, right now
26 we have only very limited fisheries jurisdiction and that's
27 primarily in the non-navigable waters. And that we recognize
28 that this is counter to the court's direction and we could not
29 implement it without Congressional direction. But it is a
30 requirement that we do look at the no action alternative.

31
32 Alternative two that we're going to look at would be to
33 limit the jurisdiction to just waters within what we call CSU,
34 conservation system units, within parks, refuges, and it does
35 not include, selected but not yet conveyed lands. It does not
36 include the general Bureau of Land Management lands, what we
37 call public domain lands. And it would not include waters that
38 are surrounded by private lands, Native corporation or State
39 lands within a conservation system units.

40
41 Alternative three which we've identified as a preferred
42 alternative includes all waters within conservation system
43 units. It includes selected but not yet conveyed lands. And
44 on the maps that you see, the one to the right over there and
45 this one and this one, it includes all the waters and streams
46 that are identified in red and those are within the
47 conservation system unit. In the environmental assessment,
48 we're looking at analyzing the impact -- it will be an
49 environmental assessment, but we'll be looking at the

50 environmental impact of the various parts of the action in

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1 various areas. We'll be analyzing the impacts. So it's not an
2 environmental impact statement that they -- that's a very
3 definite legal term that encompasses certain procedures and
4 certain steps. An environmental assessment is a -- generally a
5 less complicated document and.....

6
7 CHAIRMAN FLEENER: I realize the complications of it.
8 It just.....

9
10 MR. KNAUER: Yeah.

11
12 CHAIRMAN FLEENER:seems like if you guys were
13 going to assume management responsibility for all the CSU's in
14 Alaska that it would require an environmental impact statement
15 or are you going to go off existing information done by the
16 State or how are you going to do that?

17
18 MR. KNAUER: Much of the -- we are not collecting any
19 new information. We're using the information that's existing
20 out there and analyzing that and analyzing the impact.
21 Generally most of what we're seeing is that the harvest of the
22 fish might remain the same, but the administration -- who's
23 administering the program is where the difference is going to
24 be.

25
26 We're looking at the -- as we're analyzing the impacts,
27 the folks that are doing the impact -- the environmental
28 assessment are analyzing them by certain areas. And you'll
29 notice for example in this area, the Yukon-Kuskokwim River area
30 is a very complex area. It goes all the way from the Bering
31 Sea to the Canadian border. It contains over 104,000 miles of
32 rivers, streams and lakes. The Yukon River, of course, is the
33 largest river in Alaska and it encompa -- the drainage
34 encompasses about -- along with the Kuskokwim, about 45 percent
35 of the State of Alaska. It includes numerous Federal lands,
36 including seven refuges, a national preserve and portions of
37 several national parks. All five species of salmon occur in
38 the drainage. Some of the stocks are mixed along the length of
39 the river. Run timing overlaps and as a result, estimating in-
40 season abundance is extremely difficult. Those of you that
41 have commercial fished and tried to time your catch of certain
42 species are very much aware of this that sometimes the run
43 doesn't cooperate with the forecast and you may have your nets
44 in too early, too late or hopefully at the right time. There
45 is an active cooperative management effort on the Yukon River
46 with the Yukon River Drainage Fisheries Association. There is
47 an international treaty that's involved between the U.S. and
48 Canada with a U.S. commitment to deliver a certain number of
49 chinook and fall run chum to the Canadian border for those

50 folks up there to use. And 65 percent of the subsistence

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1 fishing effort occurs in the upper drainages above the actual
2 Delta of the Yukon-Kuskokwim River. That was an interesting
3 figure that was new to an awful lot of folks.

4
5 Earlier when I was talking about some of the Federal
6 lands these are the -- these yellow ones -- or orange on this
7 one are the ones that are -- many of those that would not be
8 included in the program. The purple and blue and green are the
9 ones where the waters would be. That's across the -- that's a
10 little hard map to see, but you can see it if you get a chance
11 during a break to walk up here and take a look at the map right
12 behind us here. Those waters that are identified in red would
13 come under the preferred alternative and blue would not.

14
15 There's been a significant effort throughout this to
16 have input from the public. Last May, there were 11 public
17 meetings held around the State. Anchorage, Sitka, Kotzebue,
18 Bethel, Nome, Kenai, Dillingham, Fairbanks, Ketchikan. We
19 received a number of comments on the advanced notice of
20 proposed rulemaking at that time. And most of the comments
21 were either in support of expansion of Federal jurisdiction or
22 in support of the State retaining jurisdiction. As you can see
23 each side is weighing in and expressing their concerns over
24 this. At the Regional Council meetings, in the fall there was
25 information presented regarding rulemaking and comments were
26 requested on the program structure and Council size, customary
27 trade and so on. Most of the Regional Councils supported
28 retention of the existing Council size and structure and the
29 existing Regional Council boundaries. Of particular note was
30 both of the Interior Regional Councils and the Yukon-Kuskokwim
31 Delta Regional Councils identified a need to coordinate very
32 closely, as would be expected, because the Yukon-Kuskokwim
33 River and the fisheries they're in transverse boundaries of
34 those Council areas.

35
36 There were many comments regarding customary trade
37 also. One major area was that -- a concern that customary
38 trade is different from region to region and really need to be
39 addressed on a regional basis as opposed to a statewide basis.
40 Well, this winter there was a questionnaire sent out to folks
41 around the State and from those comments, we received about 70
42 letters from those questionnaires. One of the questions that
43 was particularly addressed on that was a question about
44 customary trade. And it was very interesting on the comments
45 on customary trade were pretty evenly divided between, one, to
46 prohibit trade or sale of subsistence caught resources. One-
47 third said that really it should just be limited to barter,
48 that there shouldn't be any cash sale. And one third said, do
49 not regulate customary trade at all. So there were some other

50 comments focusing primarily on support of expanded jurisdiction

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1 or support of State jurisdiction again.

2
3 In the process that we're currently under there's still
4 some remaining issues. Customary trade remains a major issue
5 of discussion because the importance of this cannot be
6 overstated. Concern has been addressed by fisheries management
7 that sale of subsistence caught fish, primarily of the salmon
8 roe, could result in an increased market demand and resulting
9 increase pressure on the fisheries. We know that a number of
10 years ago the State provided an opportunity for the sale of roe
11 -- of salmon from subsistence caught salmon in the Yukon area
12 and they saw a dramatic increase in the purported subsistence
13 take and there was a recognized decline in some of the stocks
14 and concern. So there is real concern for the stock survival.

15
16 We're looking to try and have the environmental
17 assessment done so that it can be sent to Washington for review
18 at the end of April.

19
20 The second part of the whole effort is the development
21 of a proposed rule. And last spring and this fall there was a
22 commitment made to the Regional Councils to provide them with a
23 pre-publication document for their review. In your book at Tab
24 8 there is a copy of the preliminary draft proposed rule. I'd
25 like to mention a few things about it. It is designed to
26 provide a priority for the subsistence users of fish on the
27 public lands. In other words, the public waters that we were
28 talking about, the Federally reserved waters. With the least
29 possible disruption to the existing fisheries management
30 system. We're aware that most subsistence users may also be
31 involved in the commercial fisheries aspect. And that many
32 times there is a very fine line between commercial fisheries
33 and subsistence fisheries, especially in some of the Interior
34 areas. This preliminary draft rule is being distributed to the
35 Regional Councils for their review in light of their knowledge,
36 experience and their special advisory relationship as outlined
37 in Title VIII of ANILCA.

38
39 Now, this proposed rule is composed of four parts which
40 you see identified here. Subparts A and B generally follow the
41 changes in Subparts A and B which set out the structure and the
42 general provisions of the program -- generally follow the
43 language that was contained in the advanced notice of proposed
44 rulemaking. And it's identified in your document here, the
45 changes by the shaded text, with one exception, in the -- in
46 this advanced -- or in this preliminary draft document, the
47 Secretaries of Interior and Agriculture would retain their
48 authority to extend jurisdiction off of the Federal lands
49 rather than delegate it to the Federal Subsistence Board. That

50 particular thing was an area of extreme controversy during the

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1 advanced notice period that occurred back in April. We
2 received many comments on that. And as a result in the
3 preliminary draft proposed rule, the Secretary is retaining his
4 authority to extend that jurisdiction.

5
6 In Subpart C, that's the third of the three parts. In
7 fact, that's found on Page 16. Those are the customary and
8 traditional use determinations. They were taken originally
9 from the State's 1989 determinations. That's when the Federal
10 Subsistence Board took over the program, they have been
11 slightly modified by certain Board decisions. And we have
12 identified the proposed changes in those by again, the shaded
13 text. In this case, adding the halibut because at that time we
14 do not believe -- when we initially took it over, we didn't
15 believe that we really had much authority in the marine areas.
16 So you'll notice that's there. We have -- one of the things
17 that we have done to make it easier for the Regional Councils
18 to review this preliminary draft proposed rule is we have tried
19 to place in it, in Subparts C and D, only the materials that
20 are really germane to your area rather than looking at c&t or
21 regulations that would apply to Southeast or the North Slope or
22 Prince William Sound, for example. We tried to make it
23 regionally pertinent. That way there's not a lot of extra
24 pages and materials that you have to plow through.

25
26 The proposed wording in Subpart D, which starts on Page
27 17 is based on the existing State subsistence regulation.
28 You'll -- if you're familiar with those you'll see a lot of
29 similarities. However, we have tried to extensively reorganize
30 it to make it a little clearer. We've also had to accommodate
31 Federal Subsistence Board actions in the past, one of which was
32 to allow the use of rod and reel as a legal method of take for
33 subsistence. We have also eliminated any references to non-
34 subsistence areas because that does not apply to the Federal
35 program. We've removed any references to the term,
36 commissioner, and frequently replaced it with the term, Board.
37 And we've removed guidance that the Board of Fisheries might
38 have placed in the State regulations relating to management
39 that was directed at the Alaska Department of Fish and Game.

40
41 MR. GINNIS: Excuse me. Where are you leading us on
42 this thing? Are you going through these draft -- are these
43 draft regulations that you're referring to here? And are you
44 -- at the end of this discussion are we taking some sort of
45 action or are you just providing us some information here?

46
47 MR. KNAUER: There's going to be both. I'm starting
48 out and providing you some information. How this came about,
49 where we're going and then we're going to ask what comments and

50 suggestions you have.

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1 MR. GINNIS: In regards to these regulations -- these
2 draft regulations?

3
4 MR. KNAUER: Yes, yes. See these are not proposed
5 regulations yet. These have not been put in the Federal
6 Register.

7
8 MR. GINNIS: They're draft?

9
10 MR. KNAUER: They're a preliminary draft. They have
11 not been put out for general public review. They have been
12 sent to the Regional Councils for their input. We have
13 provided a courtesy copy to the State so they're aware of where
14 we're going. But the Regional Councils are being asked for
15 their comments.

16
17 MR. GINNIS: Great. It seems to me like your process
18 might be a little bit backwards here. It would seem more
19 appropriate to get the response from the people and then the
20 Council to review those. Now, it seems like what you're asking
21 for us to do here is to give you our comments on these
22 regulations. And, you know, I'm sorry to say, I haven't had
23 time to look at these things.

24
25 MR. KNAUER: One of the.....

26
27 MR. GINNIS: So I can't very well respond to your
28 question. At least I can't. I don't know about how the rest
29 of these folks here feel, but -- I don't know it seems like the
30 process is just a little -- it doesn't seem appropriate, I
31 guess. But go ahead.

32
33 CHAIRMAN FLEENER: Well, it didn't seem like.....

34
35 MR. GINNIS: I just wonder where you're taking us on
36 this thing?

37
38 CHAIRMAN FLEENER: I think he's just -- like he said at
39 the beginning, just giving us information of how the process is
40 going on their side, they're not really asking us to make
41 decisions on this. You just want information, you're not
42 looking for resolution or anything of support, right?

43
44 MR. KNAUER: I'm just about done here and I think it
45 will become more clear just as I finish up here.

46
47 CHAIRMAN FLEENER: I think at the last meeting we
48 requested more information on the fisheries issue. And along
49 with that they're just telling us what's happened since the

50 last meeting basically. And we're not going to make any

0059

1 decisions.

2

3 MR. KNAUER: And almost all of the Regional Councils
4 came us some general ideas at their last meeting. The public
5 questionnaires have come back also. And one of the things that
6 almost all of the Regional Councils have said is, okay, based
7 on our comments you have something in writing for us to look
8 at. And this is an early attempt in writing for Councils to
9 look at.

10

11 We recognize that in some of this -- you'll notice in
12 the -- Page 2 there are some strikeouts in here. What we did
13 was we took -- like I said, we took as a basis the State
14 regulations and the strikeouts are -- we've attempted to
15 identify areas that really probably don't apply to the Federal
16 program, they're off of the Federal areas, we may be wrong in
17 that. There may be other areas that should be struck out that
18 aren't, that really aren't within the Federal areas. So that
19 is an attempt to make these regulations appropriate. Like I
20 said, the initial effort is to provide an opportunity for the
21 rural subsistence user to participate without disrupting the
22 existing fishery management system. In other words, it's a
23 starting point, much as the wildlife program was the starting
24 point back in 1990, we adopted the State regulations and we've
25 had a number of proposals from each Regional Council and the
26 public in the seven years since and the program has shifted.
27 You have to have a starting point.

28

29 And I'd like to point out one thing, in particular,
30 that we benefit from the State regulations, it's on Page 20,
31 Item 11 and Item 12. And this is really pertinent to the
32 customary trade issue. Eleven there says, no person may buy or
33 sell fish, parts or their eggs which have been taken for
34 subsistence uses, except as provided for by the Federal
35 Subsistence Board. That's significantly different from what
36 the State regulation says. The State regulation says and I'll
37 paraphrase, you've got to get Board of Fish approval before you
38 can sell any. What this -- the way this has been slightly
39 reworded, it allows the Federal Subsistence Board the
40 flexibility to provide exceptions on a regional basis ahead of
41 time. It allows them to regionalize, either for a species or a
42 particular practice or if it's appropriate statewide could be
43 done. But that's one of the things that the regions all said
44 they wanted, the regional flexibility. And 12, pretty much
45 says that it can't be part of a commercial business. In other
46 words, you can't take subsistence fish and then sell it to
47 somebody who's going to resell it. That's been a concern of
48 both subsistence users and fishery managers because of concern
49 about the possible impact on fish stocks.

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1 Now, the Federal Subsistence Board realizes there may
2 be some things about the current system -- in other words, the
3 State subsistence system that you feel need fixing immediately.
4 But because of the limitations that I've mentioned earlier,
5 this proposed rule, if it's published, would need to track
6 fairly closely with the current State regulations so as not to
7 disrupt the existing fishery system initially. However, if
8 there are some things that -- in these that you believe are of
9 critical concern, that's what we'd like to know. Those few
10 things of critical concern are the things that we might be able
11 to put in here that might become part of a proposed rule and so
12 on. We would like to have Regional Council comments and they
13 could be submitted until March 3rd. From those we would then
14 develop a proposed rule which eventually would be published in
15 the Federal Register. After the proposed rule comes out, all
16 of the Regional Councils will receive additional briefing and
17 be asked for their formal recommendations. There will also be
18 hearing conducted around the State and public comment will be
19 sought.

20
21 Following a proposed rule and hearings and comments,
22 then there would be a final rule. Again, sometime well down
23 the road because like I said, Congress has a current moratorium
24 on it. We do not know whether that will continue in future
25 years.

26
27 MR. TITUS: When these public comments that you guys
28 can take, like this environmentalist -- the animal lovers got a
29 lot of money to express their public opinion. And it's the
30 people in the villages that they actually live off the
31 resources, they're -- they might not have a chance to express
32 their opinion and their voice will be outweighed.

33
34 MR. KNAUER: We have made an extensive effort to assure
35 that the comments that we get from the local folks are
36 carefully captured. Of course, David Haynes is here getting a
37 verbatim transcript. Pete DeMatteo is going to try and capture
38 your comments up there. He's going to write down that Phil had
39 a comment of concern that local comments might be overshadowed
40 by outsiders. You'll notice on the 10 meetings that were held
41 back in April and May on the advanced notice, they were all in
42 Alaska. They were around Alaska, they weren't in the Lower 48.
43 This program is specifically designed to provide the rural
44 priority for Alaskans.

45
46 MR. TITUS: Well, I wouldn't want to see people who
47 have no idea what subsistence is putting in their comments
48 against it. Just because they go to college all their lives
49 and just know what they read and they don't actually live off

50 the resources, they're putting in their comments that says,

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1 this is what I know because I read it. And me, I live the life
2 and I know because I have to eat, live off what I catch and it
3 ain't written down.

4
5 MR. KNAUER: Mr. Chairman, this was presentation for
6 the Regional Council, but it's up to you if you wish to accept
7 comments from the audience. I certainly have no problem with
8 that.

9
10 CHAIRMAN FLEENER: We'll accept your comment, go ahead.
11 Do you want to go to the microphone and state your name.

12
13 MR. WALLACE: My name is Greg Wallace.

14
15 MR. KNAUER: If you would please that way we can --
16 it's awful difficult for us sometimes after conducting 10
17 meetings to make sure that we've captured your comments
18 accurately.

19
20 MR. WALLACE: Well, I'm confused on this whole process.
21 (Away from mike)

22
23 MR. WALLACE: My name's Greg Wallace. And to begin
24 with I'm confused and I think there's probably other people
25 here that are confused on how this whole process even works.
26 Who are the final decision makers? How many layers of agencies
27 and bureaucracies are between the users and decision makers?
28 And whether or not the decision makers hear our comments
29 directly or do they get passed through 10 people's hands before
30 they get there and changed in the translation?

31
32 MR. KNAUER: I'll try and address that. The people
33 that will be making the decisions are the same folks that are
34 making the decisions for the wildlife portion of it -- what we
35 call the Federal Subsistence Board. And those folks are the
36 heads of the five land managing agencies here in Alaska.
37 They're regional directors. In other words, they're here in
38 Alaska, they're not in Washington, D.C. The regional director
39 of the Fish and Wildlife Service, the -- I think it's called
40 now, field director of the National Park Service, the regional
41 forester, U.S. Forest Service, the area director of the Bureau
42 of Indian Affairs and the state director of the Bureau of Land
43 Management, along with one individual appointed by the
44 Secretary of the Interior to serve as Chair, that's Mitch
45 Demientieff from Nenana. They are advised by the Regional
46 Councils. There are 10 of them around the State. These folks
47 are appointed by the Secretary of the Interior as your -- you
48 may know many of these folks sitting on your Regional Council
49 here. Those are the layers. There is Staff to the Board and

50 Staff to the Regional Councils. Myself, Pete DeMatteo, Vince,

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1 Peggy Fox, we all provide technical information and assistance
2 to the Regional Councils and to the Federal Subsistence Board.

3
4 CHAIRMAN FLEENER: Bill, I think maybe we should try to
5 continue on with this.

6
7 MR. KNAUER: Thank you.

8
9 CHAIRMAN FLEENER: I hate to cut it short, but the
10 people that make the decision are one level above us basically.
11 The information is provided to us, the Council makes a decision
12 on it, then we can submit it to the Subsistence Board and
13 they're going to be the decision makers for the fish, also I
14 assume or is there going to be a Federal Fish Board. But it
15 should be one level above us. So whatever you say shouldn't be
16 too warped by the time it gets there.

17
18 MR. GINNIS: I'd like to ask a question here. Are you
19 done with your presentation here now?

20
21 MR. KNAUER: Yes.

22
23 MR. GINNIS: I guess I raise a few questions here
24 regarding this whole thing. I'm in the same boat as he is, I'm
25 a bit confused about this whole process myself. You know, I'm
26 not sure if you're asking us to -- I guess you're asking us to
27 make some comments on these proposed rules here. And if you
28 are, these proposed rules covers the whole Yukon River, all the
29 way up?

30
31 MR. KNAUER: That's correct.

32
33 MR. GINNIS: Okay. Well, I guess I raise a question
34 about that. It seems that in the Eastern Region, this board
35 that represents the Eastern regional area only covers from
36 Tanana all the way up to Eagle. And it seems to me that maybe
37 we ought to concentrate on just this portion of the river
38 rather than making a decision on behalf of everybody else.

39
40 The other thing I'd like to say is I wasn't quite sure
41 when I looked at the agenda what this presentation was going to
42 be about. And, like I said earlier, I haven't had time to even
43 review this stuff and it seems to me like you're asking us to
44 make some sort of decision here whether we agree with it or
45 disagree with it or whatever it is that you're asking us to
46 here, I guess I would recommend that if there's some time here
47 that we -- that we delay action on this until we have had time
48 to review it.

49

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1 CHAIRMAN FLEENER: Well, like I said earlier, I don't
2 think that he's asking for any official action other than if we
3 have.....

4
5 MR. GINNIS: I don't know, ask him.

6
7 CHAIRMAN FLEENER:comments.

8
9 MR. GINNIS: A little while ago he said he wanted a
10 decision.

11
12 MR. KNAUER: What I would like is for your folks, if
13 you haven't had the chance to review it, I know it was sent out
14 to you some time ago, to -- if you get a chance over the course
15 of the next two days, take a look. What we would really like
16 right now is if there are existing regulations that are of real
17 critical concern to you right now. Because you're going to
18 get, as a Regional Council, an opportunity to review the
19 proposed rule after it's published and right now we don't know
20 when that will be. That may be early fall when it will be
21 published. That's just a guesstimate.

22
23 So it's not a situation where you have to say, yes, we
24 bless these or no they should be thrown in the trash. But are
25 there specific points that are of a real critical nature to you
26 right now.

27
28 MR. TITUS: The checkpoint thing she brought up this
29 morning should be an issue, that they just bring up this meat
30 -- out of that rural areas and just waste it in Fairbanks just
31 for the trophy. That should be a heck of.....

32
33 MR. GOOD: We're talking about fish.

34
35 MR. KNAUER: Does that relate to fisheries also?

36
37 MR. TITUS: Well, I mean they're -- well, it's a
38 concern -- concern for the local people. It's a concern for
39 me.

40
41 CHAIRMAN FLEENER: Randy.

42
43 MR. MAYO: Yeah, Mr. Chairman, I just wanted to make
44 comment on this fisheries deal here. You know, one of the
45 reasons why this is my last meeting is the frustration I'm
46 working at the wrong level here, you know, advisory. You know,
47 the Governor sent me a deal to sit on this U.S. Panel on this
48 negotiations with Canada, but in nowhere, in none of these --
49 what we're talking about right now, where's the tribal

50 government involved, you know. One of the big problems I fish

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1 for a living, you know, and what I see is the government and
2 industry has the local users split-up, you know, it's up river
3 versus down river, they got us fighting each other. And while
4 we're busy fighting each other, they're out there allowing, you
5 know, industry to take a majority of the catch, you know.
6 We're just small time losers, but yet, they got us fighting
7 each other. Seventy miles away people are going, oh, up river
8 so and so and down river so and so, well, that's -- you know,
9 they just have us split. You know, there's no agreements with
10 the tribal governments. We should be -- as the tribal
11 governments, we should be making treaties and agreements
12 amongst each other and then going to the State and Federal on
13 government to government relationships that we're supposed to
14 have. And, you know, none of this is in there. We're just
15 busted down, like Craig mentioned this morning, into just
16 another user group.

17
18 You know, this has to be included in this talk, you
19 know. It just puts us into, you know, another user group that
20 -- this is just a lifestyle, it's a pastime for us, which it's
21 not, it's our livelihood, you know. That's just some comments
22 I'd like to make.

23
24 MR. STARR: Mr. Chairman. And the subsistence users
25 there's only three percent we're taking the resource and who's
26 -- and where's the other 97 percent, it's got to be regulated
27 too. And there's something I want to bring up here about this
28 -- the Fish and Game, the State and Federal that there's just
29 one area down river where they can -- where they're allowed to
30 sell roe, in the Kaltag and Nulato area. If anybody sells roe
31 around here then they get -- they get penalized for it, that's
32 the kind of decisions we're fighting -- that's what they mean
33 by fighting against each other. The Lower Yukon and up the
34 river and just one area can sell roe and the others can't.

35
36 MR. GINNIS: Mr. Chairman. The question is raising the
37 issue is regarding the Yukon River fishery, you know, I come
38 from the upper part of the Yukon River. And the issue that has
39 always come up regarding fishery regarding fishery on the Yukon
40 up in my part of the country is allocation of the fishery.
41 Now, that's a hard question to address. Like some of these
42 folks are saying, you know, we have commercial and subsistence
43 use of this fishery and when you start bringing out issues of
44 allocation which I've done numerous times, I get jumped on
45 primarily by the commercial interests down river. So I guess
46 allocation to me would be an issue.

47
48 The other issue, I think, is, you know, how do we
49 ensure the participation of the management of the fishery on

50 the Yukon under these proposed regulations? How do we ensure

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1 that? Apparently, like you said earlier, the Bering Sea
2 Fisherman's Association has a role in how -- I mean a role in
3 the management plan of the Yukon River fish. You know, those
4 are made up of user folks up and down the Yukon River. Now,
5 that don't seem to be addressed in here also, the management
6 issue.

7
8 So I guess those are two primary things that I get
9 concerned about. And in addition to that, the lack of funding
10 provided by the State of Alaska in regards to sonars and a
11 little more reliable counting of fish. Now, one of the things
12 that I've been trying to promote here in my involvement of
13 fishery issues is that I wanted a sonar placed up here where
14 it's -- from the slip up here, on this portion of the Yukon
15 River that goes up. I want to know how much actually enters
16 that river. That portion of the Yukon River versus how much
17 actually entered. Now, funding seems to be a real issue here
18 in regards to this management of the fishery.

19
20 I don't know if those have anything to do with these
21 proposed regulations, but if you're asking for a response to
22 what we feel are issues, then you know you can get an ear full
23 of that.

24
25 CHAIRMAN FLEENER: Vince.

26
27 MR. MATHEWS: Maybe I'll step into this and see if we
28 can get something going here. I think the issues you brought up
29 are very good and I think they've been captured. The
30 opportunity now is a little bit confusing by the fact that you
31 have proposed rules and this is a preliminary draft. What
32 we're asking for here now is those regulations that you are
33 right now underneath under State only applied to Federal lands,
34 are those meeting your needs now? If they are, maybe no
35 comments are needed. If they're not.....

36
37 MR. GINNIS: There's never enough.

38
39 MR. MATHEWS: Well, I know.

40
41 MR. GINNIS: Go ahead and ask the question.

42
43 MR. MATHEWS: But then we need to know if you're not
44 getting your needs met now. And I apologize for not being
45 earlier, I know Bill did this, we're under a moratorium,
46 there's no date set when this is going to be lifted. We have a
47 little bit of breathing room here to do some open discussion.
48 And obviously you all know we have Staff here from the Federal
49 government and from the State and I think it's a good time to

50 air out the issues like Steven has, but also to look at this to

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1 see if there's something in there now that you're not able to
2 meet your subsistence needs that needs to be changed. And then
3 we can discuss from there if there's likelihood of that.

4
5 CHAIRMAN FLEENER: Are there any more questions on the
6 fisheries?

7
8 MR. KNAUER: I think that when Vince says meet your
9 needs, is there something in the regulations that's preventing
10 you from meeting your needs or is it, you know, that's
11 something that we can probably deal with. Whereas if it's
12 amount of fish stocks or allocations, that will be something
13 that will be part of the program after it's established.

14
15 CHAIRMAN FLEENER: Nat.

16
17 MR. GOOD: I have one very specific request.

18
19 CHAIRMAN FLEENER: Microphone.

20
21 MR. GOOD: Can you hear me? Lots of microphones. I
22 guess the one thing I would have then is that you proposed it
23 as a Yukon-Kuskokwim fisheries. I would have one statement,
24 the Yukon-Kuskokwim fisheries area, they'll encompass all
25 drainages of said systems in their entirety. Is that -- do you
26 have any questions to what I mean by that?

27
28 MR. KNAUER: I have no problems with that at all. And
29 that's a situation where it's not -- it would not be following
30 a State game management unit boundary, but will be following
31 drainage boundaries.

32
33 CHAIRMAN FLEENER: Go ahead, John.

34
35 MR. STARR: Well, that's just that them high school
36 kids, they got pop for sale back there if anyone wants to buy a
37 pop.

38
39 CHAIRMAN FLEENER: Did everybody hear that? The high
40 school kids have soda for sale in the back if anybody wants to
41 buy any. Vince, you want to buy one?

42
43 MR. MATHEWS: Yeah, I do. I think I need to respond to
44 Steven because I think we lost him there a second. Your issues
45 that you brought up are not lost. But what is in front of us
46 is more the details of regulations and I know that's
47 frustrating because we've had these conversations over and over
48 again. But the issues you brought up are over our changing the
49 regulations and those we'll carry forward, but right now we

50 need to look at those. You don't have to look at it, but it's

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1 your opportunity right now is to look at those regulations to
2 see. But your overall concerns have been captured and those
3 are more of a global -- ones that we need to deal with and I'm
4 not privy of it, I don't think Bill is either. There's a lot
5 of negotiation that would have to be done with the State and
6 other agencies that are not part of this program to address
7 your concerns. So that's why we can't respond and say, yes,
8 sonar should be in X location.

9
10 MR. GINNIS: Yeah. Well, I didn't ask -- I wasn't
11 asking for that. This gentleman here was asking for issues to
12 be raised. He didn't specifically related to the proposed
13 rulemaking, okay, he said, issues related to the fishery. So
14 that's why I raised the issue and I don't expect you folks to
15 address that either. You know, hopefully some day maybe.

16
17 I guess from my perspective, those three or four
18 components of this thing that you had, the customary and
19 traditional findings, I forgot the other ones that you
20 mentioned -- in the beginning of your presentation that was --
21 how do you say it, encompass these regulations, I guess or
22 whatever. I think those are all right, you know, I mean you
23 got to address the customary and traditional use of this
24 fishery. Now, I haven't had time to look at this thing like I
25 said and it's hard for me to, you know, I guess I'm like lost.

26
27 CHAIRMAN FLEENER: Phil.

28
29 MR. TITUS: On this Page 22, how come you mark out
30 number two on D, District 6, number two. You're cutting -- if
31 you move me back up here you'll cut my fishing time down and
32 that's against subsistence?

33
34 MR. KNAUER: Like I said, what we did is we took what
35 the State had first off and then the strikeout indicates those
36 areas that we believe would not be part of the Federal program
37 because they're not within those conservation system units or
38 areas where there are Federally reserved water rights. We know
39 that the State has put in -- has got regulations that apply all
40 over the State. But some of them are not on -- in areas that
41 would be considered Federal lands or waters.

42
43 MR. TITUS: So this they marked out is State
44 jurisdiction?

45
46 MR. KNAUER: That's correct.

47
48 MR. TITUS: So.....
49

MR. KNAUER: They still probably would exist under

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1 State regulations, but we wouldn't have them in our regulation
2 just because they wouldn't apply.

3
4 MR. MATHEWS: Philip on that, if you remember at the
5 last meeting, your famous now across the State you nicknamed
6 the maps that are hanging on the wall, the red river maps.
7 Those red river maps that show only where the Federal
8 jurisdictions are, the ones that are crossed out here are
9 waters that are not within the red river areas.

10
11 MR. KNAUER: At least that's what we think. We may be
12 wrong in that. That's one of the things that over the course
13 of the next few months that if we're wrong, maybe the Regional
14 Councils will tell us or individuals on them.

15
16 MR. MATHEWS: Okay. And I think I need to.....

17
18 MR. TITUS: Well, if you're wrong, we don't want to
19 live with the wrong information.

20
21 CHAIRMAN FLEENER: Hold on one second, Randy.

22
23 MR. MAYO: Yes. I just want to make one more comment
24 on this whole mess here we're trying to figure out, you know.
25 That coming from the outside, you know, I made an opening
26 statement and I explained briefly some history, you know, if
27 things had been different, you know, 60 some years ago, we
28 would have had tribal hunting and fishing jurisdiction, you
29 know, if we had our reservations and we wouldn't be sitting
30 here at this -- I wouldn't be sitting here at this bottom level
31 trying to, you know, come up for air through all these stacks
32 and stacks of paper, you know. Until the -- you know, I
33 mentioned earlier, until the tribal governments be included
34 instead of just the State and Federal and in their dealings
35 with Canada, you know, the local people and this board is going
36 to be frustrated, you know. And we're just going to go around
37 and around for years unless we're put in there right with the
38 State and Federal governments at this level. You know, we
39 should be making the agreements like I said with each other and
40 you know, tribal treaties with each other all the way up into
41 the first nations, up into Canada and the Whitehorse area, but
42 yet we're just working at this level and it's going to take
43 years and years until the State and Federal government
44 recognizes the tribal government as a viable government,
45 something real, you know. Until then we're just going to keep
46 going around and around like this and getting more and more
47 confused. You know, we have to develop our own tribal
48 ordinances and quit being torn apart by, you know, outside
49 government and industry. You know, until then they're just

50 going to keep us apart and we won't achieve our real goals of

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1 protecting our food stocks, you know.

2

3 CHAIRMAN FLEENER: I think we need to wrap this one up,
4 it's been quite a while. We'll take public comment.

5

6 MS. ROBERTS: Yeah.....

7

8 CHAIRMAN FLEENER: Can you go to the microphone please
9 and state your name.

10

11 MS. ROBERTS: My name is Cathy Roberts and my husband
12 is a commercial fisherman, too. And on here it says that's --
13 estimate of commercial sales total 376,000; is that the Lower
14 Yukon? Because we never made that, I mean, you know, not on
15 the Yukon up here. Every time you open commercial, it's always
16 when the fish went by.

17

18 CHAIRMAN FLEENER: Vince, you're on the hot seat.

19

20 MR. MATHEWS: Yeah. Can I ask her where she is.....

21

22 CHAIRMAN FLEENER: Where did you get that from?

23

24 MR. MATHEWS: Yes. So we can.....

25

26 MR. TITUS: It's on the table.

27

28 MR. MATHEWS: Oh, oh, well, I can take that one real
29 easily. I think we'll turn that over to the State because
30 that's a State handout and maybe they can clarify that.

31

32 CHAIRMAN FLEENER: Well, why don't you do about five
33 minutes worth and then we're going to take a break.

34

35 MR. SCHULTZ: I'll take shorter than that. But
36 basically -- my name is Keith Schultz, I'm with the State of
37 Alaska, Department of Fish and Game. And I just took the
38 opportunity to provide at the back table there for the public,
39 it's an informational letter. It's basically a 1996 Yukon area
40 salmon season summary. And the first sentence -- the first
41 sentence of the main text is preliminary estimates commercial
42 sales total, 376,249 salmon, that is for 1996 the Yukon area.
43 And, yes, the majority of it is the Lower Yukon. This is a
44 commercial salmon harvest, we go operate off Board of Fisheries
45 guideline harvest range and the majority of the salmon are
46 allocated to the Lower Yukon in that guideline harvest range.

47

48 MS. ROBERTS: Why is there commercial open so long and
49 ours is just like on the weekend?

0070

1 CHAIRMAN FLEENER: I think maybe we should save that
2 question for a little later because we don't want to -- let's
3 take a break.

4
5 MR. SCHULTZ: Yes, Mr. Chairman, also I'm available
6 during the breaks and stuff like this. We're just trying to
7 get the State management and that kind of things and I'd be
8 happy to talk with you during a break.

9
10 CHAIRMAN FLEENER: You can jump him when we go get
11 coffee. Is there anything that you guys have to say to wrap
12 this up?

13
14 MR. KNAUER: No. Just keep in mind that the
15 opportunity -- if you get a chance to look at these a little
16 closer and at some future point there will be a proposed rule
17 published in the Federal Register. At that time there will be
18 public hearings held around the State. There will be an
19 opportunity for a formal recommendation from each Regional
20 Council as well as opportunity for the public to comment. And
21 I thank you for the opportunity to make the presentation to you
22 and I'll be here throughout your meeting if you have other
23 questions.

24
25 CHAIRMAN FLEENER: Timothy you have a comment?

26
27 MR. SAM: Yes. The name is Timothy Sam and where I'm
28 from we don't have any -- I don't know, king salmon or dog
29 salmon or what have you, but when Ft. Yukon people don't catch
30 their winter needs it's really hurting our (indiscernible)
31 Arctic Village. And we had this problem, the main problem is
32 the amount of this Yukon where commercial fishing takes most of
33 the fish that will come up this stream. I have brought this up
34 brought this up before at Yukon Flat advisory committee a while
35 back and if Ft. Yukon don't catch any fish, enough for their
36 winter needs, our neighbor Canada are hurting, too, I think we
37 should vote to concentrate on the amount of Yukon River where
38 the fish are most likely to be taken.

39
40 CHAIRMAN FLEENER: Thanks, Timothy. Let's take a 10
41 minute break.

42
43 (Off record)
44 (On record)

45
46 CHAIRMAN FLEENER: Let's come to order. We're going to
47 get started on Letter E on the agenda, the Regional Council
48 Charter.

49

50 MR. MATHEWS: But before you move on.....

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1 CHAIRMAN FLEENER: Hold on, Vince.

2
3 MR. GINNIS: Mr. Chairman, I just want to state for the
4 record that this presentation on this whole proposed
5 rulemaking, it really confused me. I don't know about the rest
6 of you people, but it really confused me about the process,
7 okay. I'm talking about the process of how this is seen --
8 brought before us. Now, it seems to me that normally proposed
9 changes or regulations are provided through the public, who
10 review these things and public testimony would provide their
11 points of view to us about what they think about these
12 regulations. And then the Council would consider those changes
13 and make possible changes in the, you know, in the proposed
14 rule. So I guess my dissatisfaction has to do with the process
15 of how this is being brought to us here. It really caught me
16 off guard, you know, of bringing this before us. You know,
17 maybe they're just asking us how we feel about it, but in any
18 case, I think it's important to have the public review these
19 propo -- or this draft. So I guess I would recommend that they
20 be sent out to the public and some later date, whenever's
21 convenient to hold public testimony and deal with the issue.

22
23 Thank you.

24
25 CHAIRMAN FLEENER: Maybe these can be made available to
26 the tribal councils.

27
28 MR. GINNIS: And.....

29
30 CHAIRMAN FLEENER: I was just saying maybe these can be
31 made available to the tribal councils to go over and review.

32
33 MR. GINNIS: Well, the public, yeah. So I guess I
34 raise the issue regarding the process, you know. It seems like
35 we're doing things a little backwards here, at least from my
36 point of view anyway. I mean I think I'm a little accustomed
37 to finding out how people feel about proposed changes and then
38 based on that take the necessary action. So I don't know,
39 Vince, you might want to respond to that.

40
41 MR. MATHEWS: I think Bill will.

42
43 MR. KNAUER: Mr. Chairman, the public will be provided
44 an opportunity when the proposed rule is published. However, a
45 commitment has been made based on the Regional Council's
46 request for an opportunity to review a document before it was
47 published. There was -- there is a concern and a perception
48 that once something is published in the Federal Register, even
49 as a proposed rule, that it's very close to final and very

50 difficult to change. So the commitment was made to provide the

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1 Regional Councils with this extra early opportunity based on
2 both the special relationship the Regional Councils have with
3 the Federal Subsistence Board as specified in both ANILCA and
4 in our regulations and based on the local knowledge and
5 expertise that they have. So this is essentially an extra
6 early opportunity for the Regional Councils. The public will
7 be provided an opportunity to comment after the proposed rule
8 is published and they will be able to provide their comments to
9 the Regional Councils, much as Mr. Ginnis is saying and the
10 Council's will be able to provide a formal recommendation based
11 on their testimony.

12
13 MR. GINNIS: If I can, I guess that raises another
14 question, okay. You're saying that -- how did you say it,
15 about proposed rule anyway, that these would be put in the
16 proposed rule and then the comments would be solicited. Now,
17 that's not a very -- I don't agree with either. Because it
18 seems to me that when you come forth with a proposed ruling,
19 that you know, it mainly stays in there. So it seems to me
20 that prior to having the proposed ruling that this draft
21 document or this draft thing that you provided us here, the
22 public have an opportunity to look at them rather than putting
23 it into a proposed rule and then asking for an input. I don't
24 know, maybe that's how your system works, but maybe it's time
25 to change that.

26
27 Because, you know, it's my understanding that proposed
28 rule, once it's in there, it's there, you know.

29
30 CHAIRMAN FLEENER: Vince.

31
32 MR. MATHEWS: Maybe we can borrow some State
33 terminology since the fishery biologists have left. What we're
34 talking about with the proposed rule is similar to a call for
35 proposal and that's all it is. So when that comes out that's
36 when the public and process wise, can put in their comments.
37 Okay. So proposed rule is like a call for proposals.

38
39 Right now people have talked to me during break and et
40 cetera, they can -- you know, from this public meeting send in
41 comments on this. This was just an opportunity for you guys to
42 make sure that this draft call for proposals reflected what
43 needs to be for subsistence fisheries on Federal lands, that's
44 all it was. And I apologize for the confusion, that maybe we
45 could have gotten this to you earlier at some point, but
46 there's no time line on this, correct, Bill? We don't know
47 what's going to happen with the moratorium. We know it goes
48 through to September 30th. We don't know what Congress is
49 going to do after that.

0073

1 MR. GINNIS: No. I think he said the deadline was
2 March the 3rd for comments, if I understood you correctly? At
3 least I wrote it down here.

4
5 MR. KNAUER: That's correct. The deadline for comments
6 from Regional Councils is March 3rd. We have been directed by
7 Washington to have the environmental assessment and a proposed
8 rule ready for publication, not published, just ready, but the
9 beginning of May. Now, we don't know whether or not it will be
10 actually published. A lot is going to depend upon the
11 moratorium and what Congress is going to do, whether our
12 reading of Congress is whether they will lift the moratorium
13 and allow us to proceed beyond that or not. We're sort of
14 caught betwixt and between. The courts have said, thou shall
15 implement, Congress has said, we aren't giving you any money,
16 we are prohibiting you from implementing it. So, you know,
17 both sides are there and since Congress controls the purse
18 strings, we have to follow what Congress says.

19
20 CHAIRMAN FLEENER: We have a public comment over here.

21
22 MR. ZARAY: My name is Stan Zaray from Tanana. And I
23 would just like to kind of backup. I have a lot of the same
24 concerns that Steve has. This draft agreement that -- I looked
25 at that that's in front of him right now and it contains a lot
26 of -- basically from where we're at right now, a lot of rule
27 changes. And the way, you know, we've always done this in the
28 past with the State is, you know, there'll be proposals before
29 the board to be looked at and reviewed by the public and then
30 taken up for public comment and all that. The thing is in any
31 one area there might be just a few of those proposals that --
32 that, you know, have something to do with that area. What
33 we're looking at here is a large number of changes and I mean
34 you expect the public to accurately have comment on that many
35 number of proposals in the short time that may be available.
36 You know, like this deadline here. You know, you say it may or
37 may not, but the fact is that that may be the deadline seems
38 like ridiculous to me. You know, what worked up to the present
39 is, you know, what we have right now, the State regulations.
40 But, you know, by putting all those lines through everything
41 and changing everything, you know, it's not the same thing
42 anymore you've changed it quite a bit. And it really concerns
43 me that -- I mean it just seems like it would have made more
44 sense to just start off -- if you want to start from some
45 place, start from no change, you know. And then there's this
46 proposal, you know, that makes sense.

47
48 I was looking at a couple of those -- I know a couple
49 of those things that got crossed out, I know a couple of them

50 intimately, I'm not saying they shouldn't be changed or

0074

1 something like that, but I mean I used to live in this little
2 swampy creek out here that goes in the river for 10 years and
3 there's a line through that. Well, I know intimately why that
4 existed. Do you know anything about why you put a line through
5 it? There's just a lot of changes like that.

6
7 CHAIRMAN FLEENER: Thank you, Stan.

8
9 MR. KNAUER: Mr. Chairman, maybe I can clear up a point
10 of confusion. The strikeouts through there are not changes.
11 They're areas that we believe would not be under the Federal
12 program, that doesn't mean that they don't still exist under
13 the State program, but they wouldn't be under Federal
14 jurisdiction. And so we don't believe we should have a
15 regulation in here that doesn't relate to an area under Federal
16 jurisdiction. So it's not a proposal change, but it's
17 something that doesn't apply.

18
19 CHAIRMAN FLEENER: Steve.

20
21 MR. GINNIS: Mr. Chairman, you know, that March 3rd
22 deadline, it's for comments regarding this, who makes the
23 comments? Is this going to go out to the public? What do you
24 mean by the deadline?

25
26 MR. KNAUER: We have requested any comments from
27 Regional Councils only.

28
29 MR. GINNIS: Up to March 3rd, and then what happens
30 after that?

31
32 MR. KNAUER: We will take those comments and present
33 them to the Federal Subsistence Board.

34
35 MR. GINNIS: And then what?

36
37 MR. KNAUER: We will develop a -- from that a proposed
38 rule.

39
40 MR. GINNIS: And then?

41
42 CHAIRMAN FLEENER: Put it in the Federal Register.

43
44 MR. KNAUER: That will be -- at that point it will go
45 to Washington for review and be ready for publication in the
46 Federal Register. We don't know if and when it will actually
47 be published. Like I said, you know, because of the moratorium
48 we don't know. We're sort of operating on a, we don't know
49 what comes next basis right now.

0075

1 MR. GINNIS: After the proposed ruling is in there,
2 isn't there going to be any public comments?

3
4 MR. KNAUER: If a proposed rule was published in the
5 Federal Register, we would hold hearings throughout the State.
6 There would be an opportunity for public comment and an
7 opportunity for formal Regional Council recommendation --
8 review and recommendation. And then from those comments and
9 recommendations, would be developed a final rule. And if the
10 moratorium does not exist then, it's been lifted, we would then
11 publish the final rule. And we would start, at that point, a
12 process very similar to what you're undergoing with the
13 wildlife regulations, where each year there would be an
14 opportunity to make proposals, analysis, Regional Council
15 review and change on an annual cycle just like you're doing
16 now. So it's -- if it's implemented, then there would be an
17 opportunity for continual change as you saw the need.

18
19 MR. GINNIS: Well, I guess I just don't -- I guess I
20 have a real disagreement with the process, like I stated
21 earlier. You know, you're putting a burden on us here, a
22 respon -- not a burden, but a responsibility on us here to
23 speak on behalf of everybody and their brother in the Eastern
24 region regarding these proposals without finding out how they
25 feel about it, you know. And then you're going to take this
26 information based on what we said here, you're to take it to
27 the Federal Subsistence Board and then they're going to take it
28 off and publish it in the Register is what you said. So
29 there's -- there seems to be some -- it seems like that it
30 would be more appropriate that the people have an opportunity
31 to review these themselves, make the recommended changes or
32 whatever and then we take that information and take it off to
33 the Board and let them write up a proposed rulemaking. That's
34 the way it seems it would be more appropriate. But you're kind
35 of putting me in a situation where, you know, I either go along
36 with this -- these proposed regulations or I don't, you know.
37 That's the way I feel about it.

38
39 CHAIRMAN FLEENER: Vince, what's the possibility of us
40 giving some sort of a directive for you to make these available
41 to the public so if the members of the Council are not willing
42 to speak on behalf of their community members without taking
43 this back to them? Maybe it should be made available to them.

44
45 MR. KNAUER: These documents have been released to the
46 Regional Councils, they are now a public document.

47
48 MR. GINNIS: So a public document for Regional Council
49 members only though. We're talking about the public out there.

50 I was just telling this guy, it kind of blew his mind what we

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1 were talking about. This is about 20 pages long here you're
2 talking about.

3
4 MR. KNAUER: I'll restate that. Because it has been
5 released to the Regional Council, it is now a public document,
6 we can send it out. We are still only asking for comments from
7 Regional Councils. That's not to say that other folks, on
8 their own if they wish, couldn't write to us or send us
9 comments. So we are only specifically soliciting comments from
10 Regional Councils right now.

11
12 CHAIRMAN FLEENER: Although you will take comments from
13 other people?

14
15 MR. KNAUER: Certainly.

16
17 CHAIRMAN FLEENER: Okay. Philip.

18
19 MR. TITUS: My question is how much difference is
20 proposed rules -- you're asking in relation to the State; is
21 the State and this the same? Because we pretty much know what
22 the State regulations are.

23
24 MR. KNAUER: That's an excellent question. Other than
25 reorganizing them to try and make them more readable, the only
26 differences are one, the strikeouts; we've tried to eliminate
27 areas where regulations wouldn't apply because they're not
28 within the Federal areas. Secondly, there are in the State
29 regulations numerous differences to non-subsistence areas, some
30 of which overlap Federal lands or waters, we have eliminated
31 that because the Federal program does not have non-subsistence
32 areas according to the State definition. Thirdly, in the State
33 regulations there are references to the commissioner, where a
34 permit has to be obtained from the commissioner or something
35 like that. We have substituted a reference to the Federal
36 Subsistence Board instead.

37
38 CHAIRMAN FLEENER: I think that the.....

39
40 MR. KNAUER: And we have also made the change in that
41 thing on Page 20 that I talked about regarding selling fish
42 parts for subsistence. We provided the flexibility for the
43 Board to handle that on an either regional or a species basis.
44 That does not exist -- exactly like that. Those are the
45 differences. We haven't really made any other differences in
46 there.

47
48 CHAIRMAN FLEENER: I think I've heard enough. We're
49 going over the same bit of information about four times now,

50 Bill has had to repeat himself. I think that if we're not

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1 ready to take action, we'll just take this back to our
2 communities and go from there and just not give any action on
3 it. If people aren't fully understanding what's going on, I
4 don't see what the problem is. I understand.....
5

6 MR. GINNIS: Well, Mr. Chairman, the problem here the
7 way I perceive it is that we're -- as a Regional Council, okay,
8 with the rest of the other Regional Councils in the State here,
9 we're being asked to make comments on these proposed
10 regulations.
11

12 CHAIRMAN FLEENER: But the reason we're being asked to
13 make these comments is because we requested this early draft.
14 The Councils asked.....
15

16 MR. GINNIS: Yeah, as I'm thinking about it, I wouldn't
17 have gone along with that particular motion. Now maybe
18 somebody misunderstood what the purpose of that motion was.
19 You know, I don't recall a motion saying bring us a proposed
20 regulation before us. I don't think that was the intent of the
21 motion and that's where the whole confusion is coming from
22 right now, I think.
23

24 Now, let me raise another question about this March 3rd
25 dateline, is that sufficient time for other Regional Councils
26 to address these draft regulations? If it's not then I would
27 move to extend that comment period.
28

29 MR. MATHEWS: Let me answer your first question and
30 then the second one is up to Council discussion. The first one
31 is that all the Regional Councils, all 10, will have met prior
32 to March 3rd. So under the model that you have laid out that
33 the Regional Councils would respond on their expertise of their
34 region, looking at their regional regulations as well as the
35 over-arching State ones, yes, the March 3rd would be achievable
36 for Regional Councils. I have not talked to any of the
37 Regional Councils, but there should be -- should be under that
38 model. What you're bringing up is another model that you've
39 laid out quite well that there wouldn't be enough time to do a
40 full public process before March 3rd.
41

42 CHAIRMAN FLEENER: Nat.
43

44 MR. GOOD: Mr. Chairman, as we look at this let's see
45 if I get this clear here. As we look at the two maps up here
46 which show us all the colored areas which are Federal, what
47 you've attempted to do with this is not change any rules
48 whatsoever, but subtract all regulations dealing with the white
49 areas, which we cannot govern -- which are not Federal?

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1 MR. KNAUER: That's correct.

2

3 MR. GOOD: So we have no changes before us, we're
4 looking only at making it clear as to which of these
5 regulations apply to State lands -- I mean to Federal lands?

6

7 MR. KNAUER: No changes except those that I.....

8

9 CHAIRMAN FLEENER: Page 20.

10

11 MR. KNAUER:described so it pertains to the
12 Federal program as opposed to the State program, yes.

13

14 MR. GOOD: Right.

15

16 CHAIRMAN FLEENER: We're ready to move on. Let's move
17 on then, Letter E, Vince. Do we want this mailed to the
18 communities still, the thing that we just.....

19

20 MR. GINNIS: Well, the process is all screwed up. It
21 doesn't matter what they do as far as I'm concerned now. I
22 mean it seems to be really backwards for me, I mean I hate to
23 repeat myself.

24

25 CHAIRMAN FLEENER: Okay.

26

27 MR. GINNIS: It just seems like the public comments is
28 totally backwards. But that's the Federal government, you
29 know.

30

31 MR. WALLACE: My name is Greg Wallace. I just want to
32 say that I agree with Mr. Ginnis entirely. I think this is a
33 perfect example, this may not be the time to bring it up, but I
34 think it's a perfect example of the contingency -- we still
35 don't even have the commercial end tied into this yet and these
36 are things we're going to face with the Federal takeover. And
37 I think the only real answer for us, the people using the
38 resource, is that we've got to find a way for -- to put
39 political pressure on our State to recognize and work with the
40 tribal governments and maintain the control of subsistence
41 within the State and not even allow the Federal government in,
42 to get involved.

43

44 CHAIRMAN FLEENER: Thank you. Well, do we have motions
45 on this issue?

46

47 MR. STARR: Mr. Chairman?

48

49 CHAIRMAN FLEENER: Yes, John.

0079

1 MR. STARR: You get comments from us, how about all the
2 villages that don't have representation? Just like us, we got
3 in our villages we're on the Regional Council, but the other
4 villages that don't have somebody on the Regional Council.

5
6 CHAIRMAN FLEENER: Well, why don't we support something
7 in the effect of delaying this until -- now, this is from the
8 guys back in Washington that said March 3rd, right or is this
9 from you?

10
11 MR. KNAUER: The March 3rd date is derived from the
12 fact that we have to have the completed environmental
13 assessment and proposed rule ready for publication the
14 beginning of May.

15
16 CHAIRMAN FLEENER: You're going to have -- oh, you're
17 still going to.....

18
19 MR. KNAUER: We had to step back, you know, the various
20 steps that it takes.

21
22 CHAIRMAN FLEENER: Then you think you'll have the
23 environmental assessment ready in four months for this, by May
24 you said?

25
26 MR. KNAUER: Yes.

27
28 CHAIRMAN FLEENER: Okay. Maybe we can -- beats me,
29 something about letting them know that we're dissatisfied with
30 the short time for comments and that this Council believes that
31 the communities should be involved in the comment making on
32 this. Steve, what do you think?

33
34 MR. GINNIS: You know, Mr. Chairman, you just raised
35 the question about whether we should send this out to the
36 public or not. You know, I would say, yes, but it seems to me,
37 like this gentleman over here was saying, that the comments
38 would come after the proposed is in the Register. So I don't
39 know what good it would do to send these out right now. You
40 know.

41
42 CHAIRMAN FLEENER: Go ahead, Phil.

43
44 MR. TITUS: It would be more simpler if you just adopt
45 the State regulations and make one simple rule for everybody to
46 live by. Then we wouldn't have this discussion going in
47 circles.

48
49 CHAIRMAN FLEENER: Well, I think that can be a

50 statement we can make if that's what people are interested in.

0080

1 MR. GINNIS: Is there any possibility of having a
2 meeting just to deal specifically with this? I mean after the
3 proposed Register is printed or whatever they do with it, would
4 it possible to have a special meeting to review the comments
5 and that would be the only item that would be on the agenda? I
6 mean this is a real delicate issue we're talking about here and
7 I certainly wouldn't want to rush through something and then
8 find out later on that somewhere along the way we made a
9 mistake..

10
11 MR. MATHEWS: There is a possibility of -- obviously
12 you can request a special meeting to deal with this topic.
13 Timing becomes a question here of fitting it into the process.
14 I'm not looking at just the March 3rd, I'm looking at the
15 overall process of developing the proposed rule. So maybe Bill
16 can address that.

17
18 MR. GINNIS: May. We're talking about after May.

19
20 MR. MATHEWS: Oh, after May? After that would be
21 published.....

22
23 MR. GINNIS: When you expect that to be published.

24
25 MR. MATHEWS: Okay.

26
27 MS. FOX: Can I make a comment?

28
29 CHAIRMAN FLEENER: Please do.

30
31 MS. FOX: I'm Peggy Fox and I'm with the BLM on the
32 Staff Committee that serves the Board. And there is no doubt
33 in my mind that when this proposed rule is published that there
34 will be opportunity for a full Council meeting before that rule
35 is made final.

36
37 MR. KNAUER: That's correct. And what I was going to
38 say is we have to have the proposed rule ready by May, we don't
39 know when it will be published. But Peggy is absolutely
40 correct, I was going to say the same thing, is that there will
41 be adequate opportunity for Regional Council review and comment
42 at that time.

43
44 MR. GINNIS: Well, let me tell you about my experience
45 with proposed rulings, okay. In dealing with the BIA, you
46 know, they say the same thing you're saying, is that this is
47 just a proposed rule, somewhere down the road you're going to
48 be able to make comments on it. Well, they publish them, they
49 give us the opportunity to comment on them, but do you think

50 they make any changes? So that's why I kind of disagree with

0081

1 the process of it. But anyways, let's get on with this
2 meeting.

3
4 CHAIRMAN FLEENER: So are there any motions.....

5
6 MR. GINNIS: Mass confusion.

7
8 CHAIRMAN FLEENER:on it at all?

9
10 MR. GINNIS: Well, I was asking about a special
11 meeting, but I got sidetracked here somewhere.

12
13 CHAIRMAN FLEENER: They said yes.

14
15 MR. GINNIS: Okay. So I guess I would move that the
16 special meeting sometime after the proposed rulemaking is
17 completed that we have a special meeting of this Council here
18 to not only review comments but to take some -- take the action
19 necessary.

20
21 CHAIRMAN FLEENER: There's a motion on the floor, is
22 there a second?

23
24 MR. GOOD: Second.

25
26 CHAIRMAN FLEENER: Second by Nat Good.

27
28 MR. TITUS: How much time are we going to have between
29 the publishing and then the meeting, like we get the book today
30 and will meet tomorrow? That ain't enough time.

31
32 MR. KNAUER: After a proposed rule is published, there
33 is normally anywhere from 45 to 60 days allowed for public
34 comment, during which public hearings are held. The way I
35 understand it, you're requesting after those public meetings
36 are held and after the close of the comment period so that all
37 the comments are in, that's when the Regional Council -- this
38 Regional Council would like to meet to review all of those
39 comments that have been received and make their formal
40 recommendation; is that correct?

41
42 MR. GINNIS: Yes. That's exactly what I was saying,
43 yes.

44
45 CHAIRMAN FLEENER: Any more discussion here?

46
47 MR. GOOD: Is there any kind of a time line on that?

48
49 MR. KNAUER: We don't have any kind of a time line

50 because we don't know what our direction will be. As I've

0082

1 said, you know, we're under moratorium, so we don't know what
2 the time line would be.

3
4 CHAIRMAN FLEENER: Any more discussion?

5
6 MR. GINNIS: Question on the motion.

7
8 CHAIRMAN FLEENER: Question's been called. All in
9 favor of the motion signify by saying aye.

10
11 IN UNISON: Aye.

12
13 CHAIRMAN FLEENER: All opposed same sign.

14
15 (No opposing votes)

16
17 CHAIRMAN FLEENER: Motion passed. I hope we're on E
18 now.

19
20 MR. TITUS: E?

21
22 CHAIRMAN FLEENER: E, Letter E. Vince is going to
23 update us on that.

24
25 MR. MATHEWS: Okay. Item E addresses the continuing
26 topic of rural residency as a point of qualification to be on
27 the Regional Council. We talked about that at the last meeting
28 and this is just an update report which is under Tab I. And
29 basically it didn't get into -- partially it got into Tab I, I
30 should say that. So there was another solicitor's opinion out
31 of Washington saying that rural residency could -- yes, that
32 rural residency requirement for Regional Council members would
33 not be allowed and it's not legal to do that. And in essence,
34 that is the update on the -- on the legal aspect of having
35 rural residency as a requirement on Council membership.

36
37 What that means is that as we discussed at the last
38 meeting that members of this Council do not have to be from a
39 rural community. They need to have depth of subsistence
40 knowledge and use and an understanding of those activities. If
41 you look at the last, I think it's the last page, yes, the last
42 page -- no, that's the wrong book, sorry -- yes, it is the last
43 page of your Tab I, it summarizes the action taken by the
44 various Regional Councils. Your action was that at this time
45 you had no problem with the rural question as a residency
46 thing. Others, such as Southcentral and et cetera, Yukon-
47 Kuskokwim wanted the rural requirement established in the
48 charter. So in essence, it's not legal to have rural residency
49 as a requirement and you felt that at the present time the

50 process -- that rural requirement was not necessary. So that's

0083

1 generally it for rural residency.

2

3 If others need to know more about it, but it's now not
4 in the charter.

5

6 MR. GINNIS: When did we take this action anyways?
7 When was this action taken?

8

9 MR. MATHEWS: That action was taken at Stevens Village.

10

11 MR. GINNIS: Okay.

12

13 MR. MATHEWS: When we talked about having.....

14

15 MR. GINNIS: Yeah, I remember, but can we reconsider
16 it?

17

18 MR. MATHEWS: Sure. You can reconsider anything. But
19 we know have two -- I mean I don't know how high up we went in
20 solicitors, but we went up to the office of solicitor, so I
21 think we're at the top and their legal opinion is that you
22 cannot have rural residency as a requirement. And that's what
23 I was digging for was a copy of the letter. I was under the
24 impression it would be in your book, it did not make it in your
25 book. So I apologize for Staff oversight on that.

26

27 MR. GINNIS: Do you know what the reasoning is behind
28 that?

29

30 MR. MATHEWS: I think I'll turn it over to Bill because
31 he's dealt with it somewhat. But there's -- basically ANILCA
32 is silent on the membership of the Council being a rural
33 resident and Bill can fill in more on that.

34

35 MR. KNAUER: There was a concern expressed by various
36 regions regarding the rural residency requirement being needed.
37 Although there are only three regions in the State where that
38 could be a problem because all of the other regions, the entire
39 regions are rural so it doesn't make any difference. Those
40 three regions where there could be non-rural members on the
41 Councils are Eastern Interior, Southcentral and Southeast. The
42 solicitor's office in Washington, D.C., as advisors to the
43 Secretary have reviewed ANILCA, they've gone through a lengthy
44 examination of construction of the Act and have determined that
45 it cannot be instituted. And they make this statement,
46 furthermore, the Secretary has imposed the additional
47 requirement that the Regional Council members must be
48 knowledgeable about the regional and subsistence uses of the
49 public lands therein. This is an important limitation that the

50 Secretary will follow when making his selection for the

0084

1 Regional Councils. Thus, while there are arguments going
2 either way, the policies of protecting subsistence uses and
3 favoring participation by rural residents can be met by
4 considering these policies in the appointment process rather
5 than by grafting a rural resident requirement on the statute,
6 which we cannot do.

7
8 So the Secretary is saying that although we cannot put
9 that requirement in, he will pay particular attention to
10 selecting individuals that are knowledgeable of the subsistence
11 lifestyle.

12
13 CHAIRMAN FLEENER: Now, how is the Secretary going to
14 pay particular attention when he's living a long ways off, just
15 with information provided to him?

16
17 MR. KNAUER: He makes the appointments based on the
18 recommendation of the Federal Subsistence Board here in
19 Anchorage.

20
21 CHAIRMAN FLEENER: Okay.

22
23 MR. KNAUER: Or here in Alaska, I mean.

24
25 MR. MATHEWS: Mr. Chairman?

26
27 CHAIRMAN FLEENER: Vince.

28
29 MR. MATHEWS: Mr. Chairman, I stand corrected. You do
30 have a copy of that letter from the office of the solicitor,
31 it's under the last pages of Section C and that's what Bill was
32 reading from.

33
34 MR. GINNIS: You know, it doesn't seem to me that the
35 solicitor's opinion; it's just not consistent with Title VIII
36 of ANILCA. Where my understanding of Title VIII is that there
37 is a rural preference. And it would seem to me that if we're
38 going to serve on this Council with the intent of ensuring
39 rural preference on refuge areas, that that ought to be
40 consistent. Consistent with the Title VIII law.

41
42 CHAIRMAN FLEENER: Is there any action that the Council
43 wants to take on this? Do we want to continue to pursue this,
44 Steve?

45
46 MR. GINNIS: No, I'm just making a point here. It
47 seems to me that there's some consistency problem here in how
48 they're determining rural -- being part of -- being a member on
49 this board. You know, I know we took no action for -- we

50 thought it was okay without the rural preference, but I'm

0085

1 beginning to think that we made a little mistake there. But in
2 any case, it seems like there's more -- out of the 10 regions,
3 let's see there's one, two, three, four, five, six, seven of
4 them that want to reinstate the rural provision. So I don't
5 know how that's going to work out when it comes before the
6 Federal Subsistence Board.

7
8 CHAIRMAN FLEENER: Well, we can make a suggestion if we
9 want to. Just because the solicitor said it doesn't look good,
10 doesn't mean we can't make a suggestion to do that.

11
12 MR. GINNIS: I'm just raising an issue here. I can't
13 debate legal stuff like that. But it seems to me it's just not
14 consistent with Title VIII with ANILCA, to say that we can't
15 have rural as a basis for membership on this board. I mean our
16 responsibility is as a result of ANILCA the way I look at it.
17 And subsistence is supposed to be a priority and it seems to me
18 like people that come from rural area have a -- can speak to
19 that issue better than somebody who would come from an urban
20 area. So I guess I kind of question keeping that rural
21 preference in there as a determining factor for membership. I
22 mean this would mean that somebody from Fairbanks could say
23 they're rural, you know, that I am a subsistence user. I live
24 in Fairbanks, but I'm a subsistence user would be eligible to
25 be sitting on here and wouldn't it be interesting to have
26 Seekins Ford (ph) sitting here.

27
28 CHAIRMAN FLEENER: Ralph Seekins (ph)?

29
30 MR. GINNIS: Yeah. Wouldn't that be interesting. So
31 anyway, maybe -- I don't know, Vince, I need some help in
32 regards to maybe a motion.

33
34 MR. MATHEWS: Okay.

35
36 MR. GINNIS: That.....

37
38 MR. MATHEWS: All right. I can try. Legally it's not
39 feasible according to two solicitor's opinions.

40
41 MR. GINNIS: Well, we can challenge it, right?

42
43 MR. MATHEWS: And it will not be put in is what I've
44 been told in action and now verbal. I need probably to revisit
45 your discussion last meeting and your discussion was that you
46 could have an elder, that for whatever reason moved to
47 Fairbanks and lived his or her life as a subsistence user, but
48 now is in Fairbanks would be excluded from membership of this
49 Council.

0086

1 MR. GINNIS: Yeah.

2

3 MR. MATHEWS: That was the discussion last.....

4

5 MR. GINNIS: Yes. I recall that, too. But if you
6 think about it, who actually makes the decision of who's going
7 to serve on this board, okay?

8

9 MR. MATHEWS: Um-hum. (Affirmative)

10

11 MR. GINNIS: So there is a possibility that since the
12 councils -- the village councils in our region or anybody else
13 doesn't have a say on who's going to serve on this board other
14 than the Secretary of Interior. So simply to say that somebody
15 from here that's an elder that moves off to Fairbanks doesn't
16 mean that they're going to get on the board. I mean there's no
17 control over it.

18

19 MR. MATHEWS: Correct.

20

21 MR. GINNIS: Now, if they had some control over it,
22 then that rural wouldn't need to be an issue in here. I mean
23 these councils here could have people apply for representing
24 this particular area and let the council decide who they think
25 would best represent their region. Then we wouldn't have to
26 worry about rural as part of being a member on this board. But
27 the way it is now, like I say, somebody from Fairbanks can
28 easily get on this board.

29

30 CHAIRMAN FLEENER: Well, it sounds like we could use
31 two motions. One to say that we still support the rural -- or
32 that we do support the rural thing and another one to say that
33 we'd like to change the procedures of appointing Council
34 members to include contact with their tribal councils or city
35 councils or whatever would be.....

36

37 MR. GINNIS: Well, I think it would have to take some
38 kind of reconsideration of a motion.

39

40 CHAIRMAN FLEENER: Of that.....

41

42 MR. GINNIS: You know, of that last action we took
43 before we could do that, I think. I don't know there's some
44 parliamentary procedure to it.

45

46 CHAIRMAN FLEENER: Well, anybody that was on the
47 approving side of a motion as for -- ask that it be revisited
48 if I'm right.

49

MR. MATHEWS: Correct.

0087

1 CHAIRMAN FLEENER: And it probably passed unanimously.

2

3 MR. MATHEWS: I'd have to look at the minutes to
4 confirm, but I'm almost positive it was unanimous.

5

6 MR. GINNIS: Yeah, it passed.

7

8 CHAIRMAN FLEENER: So anybody could ask to have that
9 revisited, the motion.

10

11 MR. GINNIS: Well, if you're asking for a motion then
12 I'll make a motion that we reinstate the rural -- word, rural,
13 in the membership of this bylaw or whatever it is.

14

15 CHAIRMAN FLEENER: There's a motion on the floor, is
16 there a second?

17

18 MR. TITUS: Second.

19

20 CHAIRMAN FLEENER: Second by Philip. Is there
21 discussion?

22

23 MR. TITUS: This -- we should -- like if somebody were
24 to nominate -- get nominated to sit on this board that they
25 should ask their local -- the local government body to nominate
26 them instead of sending your own nomination in. Say I want to
27 sit, but if it was the local -- the local Native council that's
28 sending -- submit their names it would carry more power for the
29 Council instead of somebody saying I want to be on the -- I'll
30 send my name in to be on the advisory committee.

31

32 MR. STARR: Mr. Chairman, I think that's good -- I
33 think that's what they're doing down there, so I think that
34 should be in every village.

35

36 CHAIRMAN FLEENER: I think that's actually not on this
37 thing -- motion -- this motion is to bring this back on the
38 table; am I right or wrong? We're bringing this back on the
39 table, that's a discussion topic for something else.

40

41 MR. STARR: Oh.

42

43 MR. GINNIS: I don't know if bringing it back to the
44 table for discussion. I think what I said was to reinstate the
45 rural.....

46

47 CHAIRMAN FLEENER: Okay, to reinstate rural.

48

49 MR. GINNIS:into the bylaw.

0088

1 CHAIRMAN FLEENER: Okay. All right. Is there any
2 further discussion in bringing rural back into the bylaws? No
3 more discussion? Nat.

4
5 MR. GOOD: You know, I think what we're doing is
6 supporting that position that it should remain there, but I
7 think we're just basically going to be overruled. But I think
8 you can make a statement with it and that's what we would be
9 doing here.

10
11 CHAIRMAN FLEENER: Any more discussion? Question's
12 been called. All those in favor of the motion signify by
13 saying aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN FLEENER: All opposed same sign.

18
19 (No opposing votes)

20
21 CHAIRMAN FLEENER: Motion passes unanimously. Is there
22 another motion to -- what was the other one we were talking
23 about now?

24
25 MR. GINNIS: Well, I was just making a point about what
26 I felt about the solicitor's determination -- or opinion about
27 rural. You know, what I was trying to say is that I don't
28 think it's consistent with Title VIII of ANILCA. Where it's
29 pretty well written in there that rural preference is a
30 priority on Federal lands. And I'm sure that's what we're
31 trying to do here as a Council here is to protect that
32 lifestyle.

33
34 CHAIRMAN FLEENER: I think what we were discussing a
35 motion to require the appointees to be passed through the
36 tribal councils.

37
38 MR. GINNIS: Oh, that's what you're talking about?

39
40 CHAIRMAN FLEENER: Yeah.

41
42 MR. TITUS: Yeah.

43
44 MR. GINNIS: Okay.

45
46 CHAIRMAN FLEENER: That was the.....

47
48 MR. GINNIS: I'm sorry.

49

MR. TITUS: Local government.

0089

1 CHAIRMAN FLEENER: Or local government, yeah, if it's
2 not a tribal council.

3
4 MR. GINNIS: We're talking about a different process
5 now though. And I think it's on here that that particular item
6 is on the agenda, somewhere I saw it. Is it on there, the
7 process.....

8
9 CHAIRMAN FLEENER: Do you know if that's on there
10 anywhere, Vince? Process for appointments.

11
12 MR. GINNIS: Yeah, it's on there. Nomination process
13 update, there you go, number eight -- or Letter C.

14
15 CHAIRMAN FLEENER: Oh, that's next, okay, let's wait on
16 that then.

17
18 MR. GINNIS: Okay.

19
20 MR. MATHEWS: No, we're slightly lost here. The vote
21 that just transpired which was unanimous was -- correct me if
22 it was to reinstate the rural requirement?

23
24 CHAIRMAN FLEENER: Right.

25
26 MR. MATHEWS: Okay. So we -- and now we are up to
27 agenda item to deal with nomination updates?

28
29 CHAIRMAN FLEENER: And your report, review and
30 approval.

31
32 MR. MATHEWS: Oh, annual report, that's an error on my
33 part, we already talked about annual report. I'm sorry.

34
35 CHAIRMAN FLEENER: Yeah, we already reviewed that. We
36 jumped through that one quick, let's go to G.

37
38 MR. MATHEWS: Sorry. For the public, it was an error
39 on my part to have the annual report in there twice.
40 Nomination process update.

41
42 This is just a time to remind the members that are on
43 the Council -- well, there's several objectives. To remind the
44 members on the Council that there are three seats that are
45 open. The three seats that are up are John Starr's seat,
46 Charles Miller's seat and Randy Mayo's seat. If there's desire
47 to reapply they need to do that by February 28th. If there's
48 people in the public or if you know of other members or other
49 people that would be good candidates for the Regional Council,

50 I have applications and I think there's some back at the public

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1 desk, if not, we'll make sure you will get applications for it.
2 So each year a third of the Council seats are up and that
3 period for application closes on February 28th.

4
5 Other than that, I do not have at this time, a list of
6 the candidates to date that have applied. All I've gotten on
7 that is that the response on applications has been very low
8 this year across the State. But February 28th is still pretty
9 far off, some people need to work through their village
10 councils, tribal councils and organizations to nominate
11 someone.

12
13 CHAIRMAN FLEENER: What would be the procedure -- I
14 don't want to know the whole procedure, but if we do make a
15 motion to require or that we request the appointment to go
16 through the local governing bodies, what sort of headache is
17 that going to bring about?

18
19 MR. MATHEWS: If you're -- let me see if I can put
20 words in your mouth. Are you saying that the review process
21 for nominations would consult the tribal councils? Are we
22 talking consulting here, is that -- so we're all on the same
23 wave length?

24
25 CHAIRMAN FLEENER: Yeah, I think so. Maybe to get an
26 endorsement?

27
28 MR. MATHEWS: Meaning like we would -- say we get five
29 people in there and we know that three of them are from X area,
30 that we would do a phone call to a couple of tribal councils in
31 that area to ask for their comments on these candidates? I
32 don't see a problem with that.

33
34 MR. GOOD: And I think we also talked about other
35 agencies, too. And that might include say, advisory committees
36 or other local governments in areas where there weren't such
37 things as tribal councils.

38
39 CHAIRMAN FLEENER: Yes.

40
41 MR. MATHEWS: Okay. It wouldn't be a problem. I just
42 want to make it clear that we weren't asking tribal councils to
43 put forward who they wanted and that's it. You know, but where
44 we would consult with them, we've done it in the past.

45
46 CHAIRMAN FLEENER: Yeah.

47
48 MR. MATHEWS: In the first slate of candidates we did
49 it and last year or so we did it on some. But, sure, that

50 would be no problem to do that.

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1 CHAIRMAN FLEENER: Do we need a motion to do that or
2 can you just do it?

3
4 MR. MATHEWS: No. I don't think we need a motion to do
5 that.

6
7 MR. KNAUER: Mr. Chairman, that's already part of the
8 process where local agency field stations, local tribal
9 councils, regional councils are called regarding references for
10 candidates that they may be knowledgeable of.

11
12 CHAIRMAN FLEENER: I was led to believe.....

13
14 MR. KNAUER: That's part of the process.

15
16 CHAIRMAN FLEENER: I was led to believe that that
17 wasn't a standard procedure.

18
19 MR. GOOD: Mr. Chairman, when I applied for the
20 Council, Tanana Chiefs called me up, I talked to George Aska
21 for a considerable period of time. I might note also that
22 George didn't think it was too terribly fair that urban people
23 couldn't be on. He thought he should have -- or somebody from
24 Tanana Chiefs should have the opportunity. But I do know that
25 they definitely were contacted so they were involved in my
26 selection.

27
28 CHAIRMAN FLEENER: Okay. Well.....

29
30 MR. MATHEWS: Mr. Chairman, just to make it clear for
31 the record there has been a very pattern on how that's been
32 done.

33
34 MR. KNAUER: Yes.

35
36 MR. MATHEWS: So it may be wise for you to pass a
37 motion to that, but we are now under the pattern of doing a
38 wider consultation on Council applicants. But it may be wise
39 for the record to have a motion.

40
41 CHAIRMAN FLEENER: Is there a motion to that effect?

42
43 MR. GINNIS: Mr. Chairman, I'll move that as part of
44 the nomination process to serve on this board, that
45 consultations with village councils be -- what's the word?

46
47 CHAIRMAN FLEENER: That local governing bodies be
48 consulted?

49

MR. GINNIS: Be consulted prior to submission to the

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1 Secretary of Interior.

2

3 MR. TITUS: Second.

4

5 CHAIRMAN FLEENER: There's a motion on the floor. Is
6 there a second?

7

8 MR. GOOD: I'll second that.

9

10 CHAIRMAN FLEENER: Second by Nat Good. Any discussion?

11

12 MR. GINNIS: Question.

13

14 CHAIRMAN FLEENER: Question's been called. All in
15 favor of the motion signify by saying aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN FLEENER: All opposed same sign.

20

21 (No opposing votes)

22

23 CHAIRMAN FLEENER: Motion passes unanimously. H.

24

25 MR. MATHEWS: Okay. Mr. Chairman, I think.....

26

27 CHAIRMAN FLEENER: Let me ask a question first, Vince.
28 How long is this first one going to take?

29

30 MR. MATHEWS: The first one is going to take -- we need
31 to address at this point, as we discussed, balancing the time.
32 Park Service has several proposals that their staff are
33 directly involved with, so we're at that decisional point where
34 maybe we need to take a five minute break.

35

36 CHAIRMAN FLEENER: Let's take a 10 minute break.

37

38 MR. MATHEWS: Okay.

39

40 (Off record)

41 (On record)

42

43 CHAIRMAN FLEENER: Order please. We're on Letter H of
44 the agenda, number nine, Letter H, Federal, State and other
45 resource managing agency reports. Vince. National Park
46 Service, I guess. Are there handouts that we should be
47 receiving?

48

49 MR. MATHEWS: No. Yes, Mr. Chairman, under Tab J is

50 the materials that we need to discuss. And Hollis Twitchell of

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1 Denali National Park will be covering the update report on the
2 draft review of Subsistence Law and National Park Service
3 Regulations. This has been before you several times before so
4 this is an update on that. And then I believe he will cover
5 the SRC appointments, probably for Denali.

6
7 MR. TWITCHELL: Hello.

8
9 CHAIRMAN FLEENER: Hi.

10
11 MR. TWITCHELL: Hi, Hollis Twitchell, Denali National
12 Park. I spoke with Craig early just to get an idea of how he
13 things would be most beneficial for the Council to review the
14 paper that's before you in Section J. This -- the process that
15 this is going through is an agency review looking at laws, the
16 ANILCA and our own NPS regulations and looking back into the
17 intent of Congress to evaluate how the Park Service is doing
18 regarding subsistence on park related lands. So this doesn't
19 involve any new proposals or new regulations at this point.
20 It's simply the beginning of dialogue to revisit how the Park
21 Service manages subsistence.

22
23 Much of this review came about as a result of the
24 Superintendent who managed the park areas in Alaska feeling
25 somewhat frustrated with how the Park Service's policy, in
26 terms of managing subsistence was doing. And that primarily
27 was the result of a philosophy that, within the agency, that
28 subsistence needed to be consistent and the same through all
29 different areas in Alaska to the greatest extent possible. And
30 in doing so it didn't recognize or very easily address regional
31 differences in terms of how subsistence practices function in
32 Alaska.

33
34 With that background, there was a group of individuals
35 who put together this issue paper and have sent it around to
36 other park managers in Alaska. What you see here is not the
37 Park Service policy in a final form, it's simply the beginning
38 of dialogue. And this dialogue has been carried out with the
39 commissions to directly advise the park management regarding
40 subsistence programs, as well as to the public and now we come
41 before you to ask for any input that you might have as well.
42 Comments will be received through about March -- the middle of
43 March, and then the agency will gather the comments and look at
44 to what recommendations subsistence users have regarding this.

45
46 Considering how long it would take to go through this
47 whole paper, what I thought I would do for you today is try to
48 boil it down to those issues that are particular controversial
49 or are most likely to impact and effect subsistence users and

50 touch on those. And ask of this Council, if they choose to,

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1 comment on it, what information would be most useful to the
2 agencies in that respect.

3
4 The Park Service has never had a policy statement that
5 talked about subsistence use. The policy statement that's on
6 Page (tape malfunction) an attempt to formulate some general
7 ideas on how the Park Service views subsistence. The only
8 significant thing that I bring out in this policy statement is
9 the concept that we do need to look at opportunities to manage
10 subsistence regarding regional diversity. And that what is the
11 customary and traditional practices in one region in the State,
12 the North Slope, could be quite, quite different and diverse
13 from the Southeast or Southwest. And so that is recognized
14 early on in that policy statement.

15
16 Getting into the actual topics that I think of that are
17 important for your comment, on Page 3, was the beginning of
18 where we talk about general subsistence issues. And as I go
19 through this, I'll try to identify to you where ANILCA is very
20 clear in terms of its written in ANILCA itself and that guides
21 the Park Service in what it can or cannot do. Our NPS
22 regulations, I'll try to identify where those are. Those are
23 developed by the agency and are put out for comment and as
24 such, they can be changed through the public process. ANILCA
25 changes, of course, are fairly rigid and it would take an Act
26 of Congress to make any changes in the language in ANILCA. So
27 we have very little flexibility there. Policy, on the other
28 hand is a Park Service interpretation and as such, that can be
29 changed administratively fairly quickly within the agency.
30 So within those realms of ANILCA, the law, NPS regulations and
31 policy that we -- the first issue I think of importance to you
32 is ANILCA in establishing the park areas identifies that
33 subsistence uses should occur in park areas and preserve areas
34 where they are determined traditional. And they allude to
35 traditional zones or traditional use areas. The Park Service
36 has never made an attempt to identify where these traditional
37 zones are. It's becoming a fairly prominent issue with certain
38 groups and there's been quite a push for those zones to be
39 identified. The question that I ask of you in terms of where
40 traditional should be is, at what area and what time frame
41 should be looked where past uses has occurred? The information
42 in the preamble to our regulations talk about traditional use
43 areas as to where they're occurring now.

44
45 MR. TITUS: I have a question. You said, what areas
46 are traditional uses, it's a pretty broad area because it's --
47 that we depend on the whole habitat to support these animals
48 that we use as subsistence. We don't say this river here is
49 for commercial fish and this fish is subsistence fish, it's all

50 subsistence fishing. It's all -- all the resources are

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1 subsistence and they use a large -- a large area, the migrate
2 and we can't just designate one certain area for -- as a
3 traditional use when we can't control the animals migrating.
4 So it's the whole area.
5

6 MR. TWITCHELL: Thank you. And that can be further, I
7 think, identified wherever uses have occurred in terms of have
8 they been traditionally or contemporarily used or whether
9 they're historically used or whether they're archaeologically
10 used. So in trying to identify where these traditional zones
11 are, I think it's important to recognize just what you're
12 saying that use zones or use areas shift with the resource and
13 where the resources are is indeed where traditional uses
14 typically are.
15

16 MR. TITUS: Well, what if there is a fire in the park,
17 naturally the animals are going to move away from the burned
18 area, so it's all over.
19

20 MR. TWITCHELL: I think those comments are also
21 reflected in some of the other commissions who have addressed
22 this issue and some of them have identified traditional zones
23 are wherever subsistence resources are found. So that concept,
24 I think has come across from several different commissions as
25 well. And that's only with just fish and wildlife and these
26 traditional zones should also address where berries, timber and
27 other resources are found.
28

29 CHAIRMAN FLEENER: So are you basing your -- these
30 zones are not going to be like customary and traditional
31 determinations by animal, it's going to be by region basically
32 or zone as you call it?
33

34 MR. TWITCHELL: That is correct.
35

36 CHAIRMAN FLEENER: Well, I think that is something that
37 this Council has been pushing for for a long time. And in
38 other areas that are not national parks is doing a customary
39 and traditional determinations by region or zone, instead of by
40 animals, so I think that's good.
41

42 MR. TWITCHELL: That is correct. And I just wanted to
43 again, reaffirm, in identifying where these zones are, it's not
44 just fish and wildlife utilization, it's plants and berries and
45 then other resources as well. And again, the question is,
46 should it be based on what's contemporarily used now, should it
47 be based on the historical record of what the use areas are or
48 should it be based on a longer term archeological use?
49

CHAIRMAN FLEENER: And are you looking for comments

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1 from us all throughout what you're saying?

2

3 MR. TWITCHELL: That's correct. So in terms of
4 traditional use, identifications, I pose that question to you,
5 where.....

6

7 CHAIRMAN FLEENER: Well, I think I can make one comment
8 that you can't just base it on the use that's going on now
9 because animals come and go. And caribou may migrate a certain
10 direction and then turn and not go this direction anymore and
11 then in 40 years they'll go back there. But if it's a
12 different group of lawmakers, then they'll say well, you
13 haven't used the caribou in 40 years so it's no longer
14 customary and traditional. So all the animals that come into
15 an area or go out of an area should be, if they're there now or
16 not, should be considered. I don't know, what's the term you
17 used in the zone or what?

18

19 MR. TWITCHELL: Yes. They're identified as traditional
20 use zones.

21

22 CHAIRMAN FLEENER: Okay. Because like right now around
23 Ft. Yukon there's -- and some of the other villages, there's a
24 lot of snowy owls and they don't come down there unless there's
25 something wrong on the North Slope. And I know a lot of people
26 on the North Slope hunt snowy owls and not too many people do
27 in our area, but if a biologist went up to the North Slope and
28 was just so happen to be making customary and traditional
29 determinations and said, gee, there's no snowy owls here so you
30 must not need them, you know, he could be making a faulty
31 decision and I wouldn't like to see that. So I think it would
32 have to be based on the traditional uses of the past and the
33 animals that may migrate in in the future.

34

35 MR. TWITCHELL: Thank you. Another area that is of
36 concern is that Native selected lands and State selected lands
37 within national parks are not included within the areas that
38 are open to subsistence use. This is very problematic in
39 national parks where you don't have the alternative of the
40 State season for hunting and fishing. Refuges, national
41 preserves and other lands have an alternative of the State
42 season being there. In national park land or national
43 monuments where you have these selected lands, those selected
44 lands are not open to Title VIII subsistence. So it's
45 particularly problematic for subsistence users within park
46 areas. This has partly been addressed in the proposed fishery
47 regulations where they talk about selected lands and extending
48 Title VIII to it. I just raise the issue before you that
49 subsistence users in national parks and monuments have a double

50 burden since they do not have the option of an alternative

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1 State hunt on those lands.

2

3 The Park Service was at one time looking towards the
4 Federal Subsistence Board as the possible way of identifying
5 customary and traditional uses for wildlife to identify where
6 these traditional use zones are. And as I pointed out, the
7 Federal Subsistence Board doesn't deal with the trap line
8 cabins, timber use, berry picking, these other components,
9 cultural and religious sites, et cetera, that are a part of the
10 customary and traditional use areas. So that relying simply on
11 the Federal Subsistence Board c&t for fish and wildlife
12 probably won't reach far enough out to identify traditional use
13 areas.

14

15 If there's no further questions on that, I'll jump to
16 eligibility. Eligibility in the national park areas has some
17 special guidelines both in ANILCA and in the legislative
18 record. ANILCA specifies that within national parks, a person
19 must be a local resident as well as a rural resident. That's
20 in the enabling legislation for the parks and for the local and
21 the rural is in Title VIII. It doesn't say anything further on
22 how the Park Service should identify the local rural residents.
23 So we have to go into the preamble, the Senate report, which
24 was the last write-up before ANILCA was passed and in there
25 there is quite a bit of language on how Congress wanted to
26 identify these local users and that was through a system of
27 resident zones. The resident zone concept was to identify
28 users who had a past, personal or history use of park resources
29 and identify community eligibility, rather than an individual
30 eligibility. That being anyone who resides within these
31 designated, identified zones, the resident zones, would be
32 subsistence users. Yes?

33

34 CHAIRMAN FLEENER: Did Congress look at the other
35 people that had been using these areas like Denali National
36 Park that may not have lived anywhere near there, but maybe had
37 traditionally migrated into the area? Did Congress ever look
38 at that?

39

40 MR. TWITCHELL: They recognized that there would be in
41 identifying a resident zone that there would be new people
42 moving in who hadn't used the park resources before for
43 subsistence and that they would eventually be benefitting from
44 the community's customary and traditional use and their
45 eligibility. They recognized that that would be occurring, but
46 they thought that those people who would be coming in and
47 benefitting from that would not impose a significant problem in
48 light of not having an individual permit system. The concept
49 of having these zones and communities to identify the resident

50 eligible users would not be as impactful on the subsistence

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1 user than going to an individual permit system. So within the
2 zones you can have new users arrive and through the
3 communities, eligibility gain use. For people who live outside
4 of these resident zones, there is an individual subsistence
5 permit process where an individual has to show a personal or
6 family customary and traditional use. It's not a community
7 based eligibility, it's an individual base. We only have one
8 individual here in Tanana who qualifies and has received a
9 permit Paul Starr. Here in Tanana -- Tanana is not a resident
10 zone community for Denali, but as an individual, he based on
11 his family's customary and traditional use, he's an eligible
12 use for Denali Park areas.

13
14 CHAIRMAN FLEENER: Do you have any handouts or maps
15 which would show these proposed zones?

16
17 MR. TWITCHELL: The resident zones were established for
18 eligibility back in 1981. The Park Service passed their
19 regulations and went around gathering information as to which
20 communities had a significant concentration of people who
21 utilized park resources. Those communities were identified and
22 in the case of Denali there are four, the village of Nicholi,
23 the village of Telida, the village of Lake Minchumina and
24 Cantwell. Those four communities were identified as having a
25 significant concentration of people who use the park resources.
26 So right now those are the only four communities for Denali.

27
28 MR. TITUS: How about the fish that go up to the
29 spawning grounds, aren't the people that fish on them have a
30 customary and traditional use in that resource?

31
32 MR. TWITCHELL: If an individual had a personal or
33 family history use of that resource, then they could come to
34 the park and they can apply for a permit for using the park
35 area. It's based on the individual and the past use of that
36 resource.

37
38 MR. GOOD: Did I miss something? Didn't you say there
39 were some communities that were actually approved, communities?

40
41 MR. TWITCHELL: That's correct. There are four
42 communities in the case of Denali that are qualified
43 communities. I mentioned those, they were the village of
44 Nicholi, Telida, Lake Minchumina and Cantwell.

45
46 MR. GOOD: Couldn't that also be done for a village
47 such as Tanana?

48
49 MR. TWITCHELL: It could be done for a village such as

50 Tanana if there was a significant concentration of people who

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1 had used the park area.

2

3 MR. GOOD: And that would be based on a period of time,
4 which you're uncertain of, which you're asking us for input on?

5

6 MR. TWITCHELL: Right now I'm trying to lay the ground
7 work that will show you what the basic eligibility is for the
8 park users. Then I have a couple questions after this
9 regarding those resident zones in which we're looking for
10 comment particularly from the Council. So the issue is not the
11 resident zones and establishing new resident zones -- or new
12 permits, but rather, how people can qualify. Should I go on or
13 do you have a question?

14

15 MR. GOOD: Well, I think I showed you a book earlier
16 that indicated that the people of Tanana had a very -- very
17 much historical use of that area and I just wondered whether or
18 not it was possible for this community, say, to be approved as
19 a community for that use?

20

21 MR. TWITCHELL: It's possible for other communities to
22 be considered. In the case of Wrangell-St. Elias, there's been
23 significant effort to try to review Northway, Dot Lake and
24 Tetlin as communities to be added to Wrangell-St. Elias'
25 resident zone communities.

26

27 MR. GOOD: You know, my initial reaction is this
28 community would qualify, number one, and number two, if you
29 don't do it on a community basis, it discourages. Because if
30 individuals have to go through the whole process themselves, it
31 become more difficult for them, if it's as a community, then
32 they would automatically qualify. It'd just be much simpler
33 for them.

34

35 MR. TWITCHELL: Thank you. The -- it's always possible
36 to go through identifying a community as a resident zone, it
37 would require passing a new regulatory -- NPS regulatory
38 regulation to include them. And currently Wrangell-St. Elias
39 is going through that process to deal with Dot Lake, Tetlin and
40 Northway. So that's a possibility, as well as individuals can
41 apply to the superintendent if they feel they have a need to
42 use the park resources based on their past use. So the door is
43 not closed, but it's usually a time consuming process as people
44 from Northway and Tetlin and Dot Lake can testify to. But
45 progress is being made.

46

47 The question that I have for you though is regarding
48 the existing resident zones. One of the requirements for the
49 resident zone is that it be made up as a community that has a

50 significant concentration of people who had used the park

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1 resources. That is not defined and there's no guidance in the
2 regulatory history, nor is there any guidance in ANILCA on
3 that. The question that we'd like to have your guidance on is
4 whether the significant concentration of people should be at a
5 certain percentage. The recommendations in this paper says 51
6 percent, is that appropriate, is that too high or too low?
7

8 CHAIRMAN FLEENER: Yeah. I think that could be seen as
9 too high. Because in a lot of villages, a small percentage of
10 the people do the hunting and provide a lot of resources to
11 that community. So 51 percent -- and in other communities it
12 may be the opposite, 75 percent of the people may hunt. So you
13 can't -- I don't think doing it by percentage of how many
14 people hunt in an area would be good. I don't think that would
15 be a wise thing.
16

17 MR. TWITCHELL: Okay. I guess the following question
18 then is how should an area be identified as having a
19 significant concentration? The group recommended two methods,
20 one was quantity, the number of people and that was the 51
21 percent who actually utilized the park resource currently. The
22 other way is looking at a term that was phrased, cultural
23 vitality. And I use the community or the village of Nicholi as
24 a possible example. Cultural vitality would more focus on what
25 the community's practice was. Nicholi is a situation where
26 they're a long distance from Denali National Park and there has
27 been no recent use of park lands by the village of Nicholi for
28 quite a long period of time. But the community is made up of a
29 population that has historically used that area. It's
30 primarily a Native community and they have ties to resources
31 within Denali National Park. So in which case very few people
32 utilized the park, but there's still that cultural tie in terms
33 of people and family. And if that remains as it is, then that
34 would be an alternative way to identify it to remain as a
35 resident zone community.
36

37 MR. GINNIS: Mr. Chairman?
38

39 CHAIRMAN FLEENER: Yeah.
40

41 MR. GINNIS: I'm sorry, I'm so late in your -- in this
42 resident zone issue, there's something that I thought we
43 discussed back at a meeting in Tok. Had made a motion to do
44 away with that idea of resident zone. Do you recall that,
45 Vince, in the meeting we had -- when we were talking about c&t
46 findings, there was some discussion about this issue, I
47 believe, on the resident zone. And that, you know, one of the
48 concerns I think we had was that that locks people in to a
49 certain area. In other words, like Dot Lake couldn't come into

50 say Tok or something like that because of this idea of this

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1 resident zone. If I recall correctly, we voted that idea out
2 as far as I remember. And now it's resurfacing again.

3
4 MR. TWITCHELL: The resident zone for identifying
5 eligible users for park areas have been around since 1981 and
6 that's when these zones were established. And they're a
7 separate Park Service regulation. It applies to park lands
8 themselves. So these regulations are independent from the
9 general Federal regulations which simply identify a rural
10 resident. So we're talking about two different regulations
11 here. The general Federal regulation says you have to be a
12 rural user. The NPS regulations which have the local rural
13 requirement uses the resident zone concept and the individual
14 permit concept. So to change that you would have to change the
15 specific Park Service regulation.

16
17 MR. MATHEWS: Yes, that's correct. Because the
18 conversation that Mr. Ginnis is talking about was in light of
19 the c&t determination process. And that process -- I think
20 your direction was that determining who had customary and
21 traditional use within the area should not be reflected of who
22 -- which communities qualified as resident zone communities. I
23 think that was the motion -- or not the motion, that was the
24 discussion.

25
26 I did go through all the past minutes on this topic and
27 all I could come up with is that it was talked about in Tok in
28 October of '94 and that the main discussion centered around
29 that Northway should be a resident zone community. And then at
30 the last meeting in Stevens Village, the motion was passed to
31 support having the three communities of Tetlin, Dot Lake and
32 Northway. So I think the discussion that we were talking about
33 was that zones -- resident zone communities should not be used
34 in the Federal Subsistence program of c&t determinations.

35
36 MR. GINNIS: Okay.

37
38 MR. MATHEWS: But not -- like he said, you'd have to
39 change NPS regs.

40
41 MR. TWITCHELL: It's simply a way of identifying local
42 eligible users -- subsistence users for the park. So again the
43 question, since these are existing Park Service eligibility
44 criteria, the status of the resident zone is contingent upon
45 there still being a significant concentration of these users.
46 Any comments or guidance you have in terms of both the quantity
47 of users that would qualify as significant concentration or in
48 terms of cultural vitality, communities that aren't currently
49 using the area, but have that past cultural tie. Any comments

50 there would be useful?

00102

1 CHAIRMAN FLEENER: Well, I don't like -- like I said
2 before, I don't like the idea of having a number attached to
3 it. So I'd like to hear the other Council comments. I don't
4 like the idea of a number. I guess the past historical
5 practice, it's good to consider, but I'd also like to think
6 about considering possible future use. Because I mean to
7 follow customary and traditional lines, it's not all determined
8 on what you did in the past. Things change and your changes --
9 your needs change over time and ask your needs change, you may
10 go into a different area. So I wouldn't like to close it and
11 just say, well, if you haven't used it before you don't get to
12 use it now. You know, I'd like to say if you've used it in the
13 past and there comes a time where you need it in the future or
14 something or if it shows that there is a need, that that also
15 would be something that's recognized. Because the past -- not
16 everything is dictated by what we did in the past.

17
18 Other Council comments on that?

19
20 MR. TWITCHELL: Thank you. The next question is
21 regarding individual permits. The individual permits, the way
22 the NPS regulations currently identify that is the individual
23 has to show a personal or family history or customary and
24 traditional use. The way the Park Service has interpreted that
25 is that the customary and traditional use had to be established
26 at the time the park -- ANILCA was passed, that being 1980.
27 And that implies that it has to have been customary and
28 traditional more than one generation or an extended period of
29 time. The paper recommends that that be changed to a personal
30 or family use which had to have been established -- the
31 historical pattern use had been established at that time. It
32 was the feeling of the group that people who were present in
33 1980 at the time of ANILCA, that many of those individuals did
34 not have a multi-generational use of the park resources. There
35 were non-Native people in these areas who had adopted the
36 subsistence lifestyle and they were involved in utilizing the
37 resources in the area and they couldn't show that multi-
38 generational component. It was the group's feeling that
39 Congress didn't intend to exclude those people from using park
40 resources. And so we have proposed in the individual permit
41 qualifications that we focus on personal and families which had
42 established a historical pattern of use at the time of ANILCA.
43 There being people who had been there just one or two years
44 before the park was established would be eligible and qualified
45 for these individual permits.

46
47 So in a sense -- in essence, it's taking a more liberal
48 approach in terms of who could qualify than the existing
49 regulations specify. Yes?

00103

1 MR. GINNIS: I don't know. It don't sound -- to me, if
2 you're using that date of 1980, it seems to me that you might
3 be very well excluding a lot of people that had prior use to
4 that State, primarily Native people in that region. Now, I
5 wouldn't agree with your -- that statement you just made, this
6 change or whatever you're talking about here, in terms of who
7 becomes eligible when. You know, I'm sure there must people in
8 that -- I'm not from that area, but I'm sure people -- there
9 are probably Native people that utilized that area prior to the
10 implementation of ANILCA. So you're excluding, I think, people
11 that had prior use. And this isn't -- the way I look at it,
12 this, what you just read is an attempt to safeguard those
13 people who are already currently there.

14
15 MR. TWITCHELL: Actually it would not exclude people
16 who their use had been extended into the past.

17
18 MR. GINNIS: Up to 1980 you just got done saying.

19
20 MR. TWITCHELL: Up until 1980. And I guess if Paul
21 Starr's here I would suggest that he and his family have a long
22 customary and traditional past record of using Denali National
23 Park lands, even though he hadn't been living there at the time
24 in 1980. He would not be included or any of his family members
25 would not be excluded from being eligible based on the
26 customary and traditional family use of the area. So it would
27 not include those people who had that long standing history of
28 use.

29
30 The focus and the intent here was to bring in the users
31 who are more recent than that who couldn't show that long term
32 customary and traditional practice. So it actually is a
33 liberalization of what the previous interpretation was.

34
35 MR. GINNIS: It's more or less opening it up is what it
36 amounts to.

37
38 MR. TWITCHELL: It is definitely opening it up. And it
39 was the group's opinion that Congress did not want to exclude
40 those people who couldn't have that multi-generational
41 demonstration, such as many of the Native family's have.

42
43 CHAIRMAN FLEENER: Which group are you talking about?
44 The group you said, what are they?

45
46 MR. TWITCHELL: What the language saying that a person
47 would simply have to show that as of 1980 that they had a
48 personal.....

49

CHAIRMAN FLEENER: No, no, I meant, you said that there

00104

1 was a group that was working on this?

2

3 MR. TWITCHELL: Oh, the group of people who developed
4 this report -- or this issue paper, it was their interpretation
5 that in terms of looking at the legislative history and the
6 intent of Congress is that Congress really didn't mean to
7 exclude all those people who are more recent arrivees but are
8 involved in the subsistence lifestyle.

9

10 CHAIRMAN FLEENER: Right. But I was just wondering,
11 who that group was, is that the Sierra Club? What's that?

12

13 MR. TWITCHELL: No. I should have probably identified
14 this before. The group of people who worked on this initially
15 to develop this was Steve Martin, the superintendent of Denali
16 National Park, former superintendent of Gates the Arctic
17 National Park, Lou Waller, who is the chief of Subsistence in
18 the Alaska Regional office for about 15 years, Ralph Tingey,
19 the superintendent of.....

20

21 CHAIRMAN FLEENER: So basically your agency guys?

22

23 MR. TWITCHELL: That's correct.

24

25 CHAIRMAN FLEENER: All right, thanks.

26

27 MR. TWITCHELL: So this is an agency group.

28

29 MR. GOOD: Mr. Chairman?

30

31 CHAIRMAN FLEENER: Go ahead.

32

33 MR. GOOD: I have a question, as we read through this
34 we see all the references to 1344, do you want to clarify that
35 for us and what it means and what will happen in terms of
36 numbers qualifying and that sort of thing?

37

38 MR. TWITCHELL: Okay. 1344 is simply the code within
39 our NPS regulations where it identifies and gives authority to
40 issue individual permits. So when you see a 1344, it's simply
41 the subsistence eligibility permit, the individual use
42 subsistence eligibility permit, 1344. And that is the
43 authority that Paul Starr here in Tanana has based on his
44 family customary and traditional use to be an eligible user.

45

46 MR. GOOD: Well, would there be people who have had
47 1344 permits in the past be denied them in the future by what
48 you're doing here?

49

00105

1 MR. GOOD: Thank you.

2
3 MR. TWITCHELL: No.

4
5 UNIDENTIFIED VOICE: You're talking about subsistence
6 right to (indiscernible - away from mike)?

7
8 MR. TWITCHELL: No, it doesn't. These are specific
9 regulations that apply to national park land, yes.

10
11 CHAIRMAN FLEENER: Maybe we could hold the comments
12 down until the end of his discussion if you can remember them.

13
14 MR. TWITCHELL: So I guess the comment or the question
15 we have is that is it appropriate for the Park Service to be
16 taking a more liberal interpretation here and allowing more
17 recent users who had been in the area in just prior to 1980,
18 that's one question. And the second question is, could people
19 who have come after 1980, who are new arrivees to the park
20 areas who have embraced the subsistence lifestyle, for
21 instance, in these resident zones who don't have a personal or
22 family history of use, but have began to develop it through
23 their eligibility in the resident zones, should those people be
24 eligible to get individual permits if they move out of the
25 resident zone or if the resident -- is he authorized because
26 it's no longer made up of a significant concentration of
27 people? Should those newer arrivee of people be eligible to
28 get permits as well?

29
30 CHAIRMAN FLEENER: Have you talked to any of these
31 people in these four communities and asked their opinions on
32 these issues?

33
34 MR. TWITCHELL: These -- the issue paper has been out
35 to the public for almost two years now and it's been presented
36 to the commission -- the subsistence commissions that guide
37 recommendations for the park, so through those bodies it is
38 available for people. The general concept is mixed. There's
39 some people that feel strongly that new people who arrived
40 after 1980 who adopt the subsistence lifestyle should be --
41 continue to be eligible. There's other people who say if you
42 weren't utilizing the areas prior to 1980, you shouldn't be.
43 So it's a mixed combination of feelings.

44
45 MS. ROBERTS: My name is Josephine Roberts. Since you
46 said no to me, how does it only white people go up the Nowitna
47 river. They say every (indiscernible) there's a hunter there
48 in fall time, Native people don't go there no more to hunt and
49 we've been going there every year and now there's too many

50 hunters.

00106

1 MR. TWITCHELL: What I said is that the eligibility
2 that we're talking about only applies on National Park Service
3 land. And so in terms of whether these would apply on the
4 Nowitna River, these regulations do not apply at all. It would
5 be the general Federal regulations just being a rural
6 subsistence user. So we're not talking about the Nowitna at
7 all, this is completely different, we're talking about National
8 Park lands.

9
10 MS. ROBERTS: Okay. I'm more confused than ever.

11
12 CHAIRMAN FLEENER: Go ahead.

13
14 MR. MATHEWS: Well, I think I will talk to her
15 individually, but just for the record she's talking about the
16 Nowitna River which is part of the National Wildlife Refuge and
17 that is not what Hollis is talking about here. He's talking
18 about the Denali National Park, the different rivers that go
19 into there. So you and I and Pete need to talk individually
20 about the Nowitna so we understand your concerns. So the next
21 break, Pete and I will need to talk to you. Thank you.

22
23 MS. ROBERTS: Thank you.

24
25 MR. TWITCHELL: Thank you. The last focus in terms of
26 an alternative way that the Park Service might identify
27 eligibility is through a concept that was proposed, it's called
28 the roster list. If a community resident zone loses its
29 significant concentration and is no longer eligible, what might
30 be an alternative way to identify qualified users rather than
31 going to the individual permit system, the Lake Clark
32 Subsistence Resource Commission recommended that a roster list
33 concept be considered in which case the villages, either the
34 tribal council, the village council or whatever organization
35 within the village would identify who the subsistence users are
36 and they would be put on a list and that list would be then
37 submitted to the park superintendents and it would identify who
38 are the qualified subsistence users. And that would be
39 utilized rather than going through Park Service to an
40 individual permit system. So it's simply an alternative way to
41 identify eligible subsistence users. That is simply a proposed
42 regulation and it doesn't exist at this time. But that concept
43 is out there and I just put it out to you.

44
45 MR. GINNIS: Mr. Chairman?

46
47 CHAIRMAN FLEENER: Yes.

48
49 MR. GINNIS: You know, this whole issue of eligibility

50 and this whole issue regarding resident zone. It seems to me

00107

1 that they're basically the same issue. When we're talking
2 about resident zone, I guess we're talking about a certain area
3 that covers a certain group of people. And so I guess meeting
4 -- I don't ever remember or recall what meeting it was that
5 there was a motion made, I believe, to include Northway, Dot
6 Lake and Tetlin as resident zones. And if that is the case,
7 then what's the purpose of discussing this eligibility issue?
8 I mean the proposed one that you just mentioned here.

9
10 MR. TWITCHELL: It's because the commission for Lake
11 Clark did not want to have to go individually to apply for the
12 Park Service to get a permit should the resident zones change
13 in terms of the significant concentration. They were looking
14 at a number of new subdivisions and new people moving in and
15 they were concerned that all these new people would be
16 competing with them for subsistence resources in the area. And
17 because of that they wanted to consider deleting the resident
18 zone status and identifying these lists of people as eligible
19 people. That way, new arrivees moving into the community would
20 not automatically assume the community's eligibility and then
21 go out and compete with them for subsistence resources. So it
22 was simply a way to identify eligible people to sort of limit
23 the amount of new people coming in and utilizing the area.

24
25 So that was the roster list concept. The proposals
26 that you alluded to deals with why Northway, Tetlin and Dot
27 Lake were overlooked initially. They should have been reviewed
28 and identified as resident zone communities early on, but for
29 some reason they were overlooked. And so the issue I think
30 you're bringing up is why aren't these areas now added to the
31 resident zone list for Wrangell. Confusing?

32
33 MR. MATHEWS: Mr. Chairman, the thing that the Council
34 needs to realize is why this is brought up is you do have park
35 lands within your region and this Council makes appointments to
36 the Subsistence Resource Commissions for Denali and Wrangell-
37 St. Elias. So the Park Service is making an effort here to
38 keep this Council informed of this evolution of their review of
39 subsistence. And it is confusing, but the -- I think the point
40 is here is he's pointing out options that are potentially
41 there. Maybe Hollis can explain that maybe once these options
42 are potentially going to be implemented, would it not be that
43 -- would the Council then be informed?

44
45 MR. TWITCHELL: That's correct. Certainly any addition
46 of a community as a resident zone would have to go through Park
47 Service regulations so that would be out there. To delete a
48 community from a resident zone would also require action and
49 that would be brought through the Subsistence Resource

50 Commissions to the Regional Councils for comment as well. So

00108

1 any changes that occur would become before this body or for
2 comment.

3

4 MR. MATHEWS: So there's no proposal right now,
5 correct, Hollis, for a roster to be established -- roster list
6 for any national park?

7

8 MR. TWITCHELL: There is the proposals on the request
9 of Lake Clark Subsistence Resource Commission to provide a
10 roster list option. And that regulation is in draft form back
11 at the Secretary's office and has not been put out for review
12 yet.

13

14 MR. MATHEWS: And that would only apply to Lake Clark,
15 would it not? It would not apply to Denali, it would not apply
16 to the others?

17

18 MR. TWITCHELL: That's correct. It would not apply to
19 any other area other than Lake Clark. They have four resident
20 zones that would be changed by that regulation. The regulation
21 would also provide an opportunity for future changes in
22 resident zone communities should a Subsistence Resource
23 Commission or the Park Service action occur to delete the
24 resident zone. So the options of the rosters would be there
25 for those communities.

26

27 CHAIRMAN FLEENER: Well, it seems to me that since
28 these four communities -- since it's only these four
29 communities that are basically impacted and some individuals, I
30 guess then that the primary decision would seem to be left up
31 to them. It's their area.

32

33 MR. TWITCHELL: It's certainly their proposal. They
34 submitted it to the Secretary as a hunting plan proposal. The
35 Secretary directed the Park Service to promulgate these
36 regulations. The regulations have been drawn up in draft form
37 and sometime in the future they will go out through the normal
38 process through the Federal Register for all public review and
39 comment including review by this Council and other councils.
40 So that's potentially coming up. The other thing would be
41 addition of new communities, Wrangell-St. Elias is submitting a
42 regulation to add Northway, Dot Lake and Tetlin and establish
43 them as new resident zones. That will also come up and go to
44 review by the public and this Council.

45

46 CHAIRMAN FLEENER: I think we have several people that
47 want to make some comments. I'll go ahead and take a few
48 questions. This gentleman had his hand up first, can you go to
49 the microphone.

00109

1 MR. WALLACE: Greg Wallace. I have one recommendation
2 for your -- if you're looking for ideas of who can trap or
3 whatever in the -- say, Denali. Most people when they trap and
4 hunt they want to bring a partner, they don't do it by
5 themselves, very few do. And, you know, for different reasons,
6 safety, share the work or whatever. And the way it is now, you
7 got to bring a family member. Like Paul Starr, if we wants to
8 trap beaver, he's got to bring a family member. He invited me
9 to trap over there beaver with him but I couldn't go, not
10 legally. And that's the way, you know, trapping is done. And
11 if you don't allow for that, you're going to cut-off a lot of
12 people that maybe have permission, but they're not going to go,
13 they got no partner.

14
15 CHAIRMAN FLEENER: Thank you. Another question here.
16 Just pull up a chair right beside the table there.

17
18 MR. ENTSMINGER: My name is Frank Entsminger. I'm
19 actually the Council's representative on the Wrangell SRC. And
20 just for a point of clarification, I think Hollis is trying to
21 explain but maybe it's not necessarily understood. But
22 basically, when the SRC -- the SRC's have, you know, direct
23 input from the public and the local advisory committees, the
24 village councils and everybody in their area, so it's basically
25 the SRC's here the input from all the public and the different
26 people and what not and they try to kind of listen to what the
27 general aspect is or recommendation is from the public and then
28 the SRC goes ahead and decides in which way they want to handle
29 this eligibility and all of these different topics that Hollis
30 has been talking about here.

31
32 And, you know, Lake Clark has decided that they would
33 like to see this roster system go into effect, whereas some of
34 the other parks, they don't want the roster system, they want
35 the resident zone community designation. You know, the way
36 that Wrangell-St. Elias looks at it is that they feel that the
37 roster system is a self destruct mechanism. As time goes on,
38 people move away, maybe into town, different things happen in
39 evolution -- in time there won't be anybody left that will be
40 eligible to hunt these parks or very few people. So we, you
41 know, Wrangell has stayed away from the roster, but it's an
42 entirely different situation because Wrangell is a huge amount
43 of real estate, I think it's like nine million acres of land.
44 It's a very large area and sustain a lot more harvest and that
45 type of thing.

46
47 But now I don't want to take Hollis' time away from him
48 because he's addressing Denali, but you know, I just wanted to
49 make that point of clarification here. And I have some time

50 coming up, I think it's tomorrow and I'd be glad to answer

00110

1 questions and continue this discussion.

2

3 CHAIRMAN FLEENER: Thank you, Frank.

4

5 MR. ENTSMINGER: This kind of just ties into it, you
6 know.

7

8 MR. GINNIS: Mr. Chairman, I guess I need some
9 clarification from you as to -- now, these recommendations are
10 coming from your group?

11

12 MR. TWITCHELL: That's correct.

13

14 MR. GINNIS: Your working group or whatever?

15

16 MR. TWITCHELL: That's correct. These.....

17

18 MR. GINNIS: And have these recommendations been
19 reviewed by those effected communities?

20

21 MR. TWITCHELL: The recommendations have been reviewed
22 by all but one of the Subsistence Resource Commissions now, so
23 their comments are being gathered and included. As I
24 mentioned, this has been out for the public at large to comment
25 on as well as other interest groups for almost two years now,
26 so yes, it has been available to communities.

27

28 MR. GINNIS: And so what are you asking from this
29 Council, you're just providing a report or is there some action
30 to be taken?

31

32 CHAIRMAN FLEENER: Yeah, this is a report.

33

34 MR. TWITCHELL: I'm primarily just going over what our
35 -- I think generally perceived as the more controversial
36 issues. Issues that are going to be problems, that management
37 and subsistence users are going to have to deal with at some
38 time in the future. And asking for recommendations or
39 clarifications on what the Council might perceive the agency
40 should do. So in essence, I'm just labeling issues that are
41 particularly controversial and trying to point out where
42 comments would be constructive and useful and just putting it
43 in front of the Council.

44

45 MR. GINNIS: So how do you go about soliciting comments
46 from the effected communities regarding this issue right here,
47 this report -- or the recommendations in your report rather?

48

49 MR. TWITCHELL: Well, primarily through the Subsistence

50 Resource Commissions, which are made up of nine members who are

00111

1 appointed by different entities, the Secretary, the State and
2 this particular Council -- Regional Councils. They represent
3 the subsistence users in -- around the different park areas.
4 It's the primary forum for getting input and comments and.....

5
6 MR. GINNIS: You don't take these back to the villages?

7
8 MR. TWITCHELL: Yes. They're made available to the
9 villages and through the commission for comments.

10
11 MR. GINNIS: What's their reaction to this?

12
13 MR. TWITCHELL: Very little. You see in the list of
14 comments that are included in the paper which are in your
15 report, you'll see that the people who have commented are
16 primary people or paid staff, primarily the State of Alaska and
17 other special interests, such as the Sierra Club. And that the
18 comments of the general subsistence users at large has been
19 very little.

20
21 The reason why the comment period has been extended for
22 so long is to try to make sure that councils, commissions and
23 other public people have time to comment on it. That is, you
24 can see there is not a big body of comment by users themselves.

25
26 CHAIRMAN FLEENER: We have another question over here?

27
28 MS. ROBERTS: Yeah.

29
30 CHAIRMAN FLEENER: Could you come here and state your
31 name again.

32
33 MS. ROBERTS: My name is Cathy Roberts. Who is the
34 Sierra Club and what do they know about subsistence laws, you
35 know, to make comments like -- who are they?

36
37 MR. TWITCHELL: The Sierra Club is a conservation
38 organization directing a variety of issues nationwide. They
39 are -- pay particular interest on subsistence uses and
40 particularly uses that occur in conservation areas and park
41 areas.

42
43 MS. ROBERTS: I mean who are they made up of, sport
44 hunters or.....

45
46 MR. TWITCHELL: Their primary -- their membership is
47 nationwide. So very often they're made up of people in the
48 Lower 48, including people in Alaska.

49

CHAIRMAN FLEENER: But very, very few sport hunters.

00112

1 MR. TWITCHELL: They are definitely a conservation
2 organization.

3
4 MR. GOOD: Mr. Chairman?

5
6 CHAIRMAN FLEENER: Go ahead.

7
8 MR. GOOD: And I was -- I have perhaps a personal bias
9 here, but I would say anytime you look at Sierra Club on there
10 you want to look very closely and see if there's any hidden
11 meanings behind them. For instance, on Page 11 when they're
12 supporting a 1344 permit system and they express an opposition
13 to resident zones, what Mr. Entsminger spoke to just a little
14 bit ago, could be somewhere further down the road, their idea
15 that this could eventually eliminate subsistence hunting in the
16 parks or greatly reduce it. I don't know that that's the case.
17 But I would be very suspicious of seeing Sierra Club attached
18 to it. I mean everybody has their own agenda, I think we have
19 ours, they have theirs and I don't see a very close alignment.

20
21 MR. TWITCHELL: And that's a correct analogy. The
22 Sierra Club is what you would -- might call an entity that
23 looks very carefully at subsistence uses. They are primarily
24 the entity behind pushing the Park Service to identify
25 traditional use zones and to further define and focus on
26 eligibility as well as access and particularly ATV use. So
27 they have a very focused agenda and are very vocal about it.

28
29 CHAIRMAN FLEENER: Okay. If there's no more on that,
30 maybe we could move on.

31
32 MR. TWITCHELL: Okay. I need to speed up here. It's
33 taken much longer than what I think we had hoped. The last
34 thing on eligibility I would say is preserves. Right now our
35 eligibility system does not apply on national preserves. It's
36 limited in scope, it's only to parks and monuments.

37
38 Something you might consider commenting on on whether
39 eligibility could be extended to preserves or not. The initial
40 park regulation that were proposed in 1981 included preserves
41 under the eligibility program, the State of Alaska strenuously
42 objected to that and the preserves were removed from
43 eligibility at that time. Now, that there is a split between
44 Federal and State management and sport and subsistence hunting,
45 the question should -- might come up, if there's ever a
46 shortage of resources, should eligibility for preserves be
47 considered or not. So I simply throw that on the table. At
48 this time the Park Service is not particularly interested in
49 establishing that.

00113

1 MR. MILLER: Excuse me, Mr. Chair?

2
3 CHAIRMAN FLEENER: Yes.

4
5 MR. MILLER: I got a question here. As I was reading
6 you got a comment from an individual from Wiseman, you didn't
7 mention Wiseman as a resident zone community and according to
8 this that they are or -- and that they do -- new system that
9 you're implying it'd knock out all but three households or
10 families in Wiseman.

11
12 MR. TWITCHELL: That's probably correct. And those
13 communities that are primarily road system communities that are
14 very often made up of more recent arrivees, it could have a
15 fairly significant influence on them, if you use the standard
16 of what's suggested here, use -- predating 1980, it could
17 effect those communities.

18
19 MR. MILLER: Okay. What do you do with the comments
20 that you do get?

21
22 MR. TWITCHELL: The comments will be gathered up and at
23 about the middle of March, the group of superintendents which
24 is sort of an advisory group will meet and look at the
25 comments. Identify those things or those actions that might be
26 taken fairly quickly and primarily administrative actions or
27 policy type decisions and we'll review those. Other
28 recommendations that are far more -- far reaching, such as
29 changing any regulations, they will have to identify whether
30 they want to move forward with proposed rulemaking or take it
31 back out to the subsistence users for further comment and
32 clarification. This whole process is really an ongoing
33 process. And so there is going to be a much more concerted
34 effort to get together with subsistence users, commissions and
35 councils to work on these issues.

36
37 MR. MILLER: It just seems kind of funny that when
38 these groups that you're talking about, when they were
39 infringing on the historical and traditional use, right, they
40 didn't have no comments or no quorums about it. But now that
41 someone else is infringing on their rights, they're all up in
42 the air about it. That's just a comment of mine that I want to
43 get on the record.

44
45 CHAIRMAN FLEENER: Thanks.

46
47 MR. TWITCHELL: If we can move on. Access is a fairly
48 major issue in terms of utilizing park resources. ANILCA, in
49 Section 8.11 talks about authorized uses such as snowmachines,

50 motorboats, and other means of surface transportation

00114

1 traditionally employed for subsistence purposes of this
2 reasonable regulations. ANILCA is silent on -- in that
3 particular statute regarding aircraft use or ATV use. It's not
4 identified there. If you go back into the intent of Congress
5 in the Senate report, there is some guidance on there. Very
6 specifically in terms of national park lands, Congress
7 indicated that use of aircraft for subsistence purposes would
8 be rare and limited for access. And as such, only identified
9 two areas where aircraft access was taking fish and wildlife
10 could be provided at that time and that was Anaktuvuk Pass area
11 for moving and harvesting caribou resources and Yakutat, I
12 believe, in Wrangell-St. Elias to access the Nelisbina Flat
13 Lands. They did have a provision or they did discuss that in
14 the future that there could be other authorizations for
15 aircraft access, but they indicated that would be very rare and
16 limited use. And so what we have in our park regulations is
17 aircraft are not allowed to access the park or monument areas
18 for taking fish and wildlife currently. The aircraft
19 restriction does not apply on national preserves. So it's only
20 on park lands that that restriction applies.

21
22 And I guess, the question may well be posed that is in
23 the future should there be a limitation on air access, aircraft
24 into the preserves or not. At this point the Park Service is
25 not planning to move into that direction, just raise the
26 question. In terms of accessing -- the subsistence user
27 accessing a trap line or a cabin, certainly you can use an
28 airplane to fly into the national park if the purpose is
29 through access to your trap line or your cabin or even for
30 picking berries. The aircraft restriction simply focuses on
31 the taking of fish and wildlife.

32
33 ORV's, ATV's, that were around at the time of ANILCA,
34 they're not identified within the language of ANILCA as an
35 authorized use other than a reference or identifying as
36 traditionally employed means of access. On park areas, ATV use
37 can occur if that use is traditional. So first of all there
38 needs to be identification that ATV uses were traditional. And
39 then they can be authorized for use as long as their use does
40 not impact upon park resources or values. So the question is,
41 in terms of identifying whether ATVs are traditional or not,
42 what standard or what focus should the Park Service use in that
43 determination. Traditional implies the use had to occur for a
44 period of time. The group discussed this and alluded to the
45 fact that a generation probably and 20 years were proposed. In
46 terms of looking at ATV use, has it been around and been used
47 for 20 years and if it has, are we ready to embrace the -- that
48 ATV use is indeed a traditional use currently based on the past
49 20 years of use. We throw that out for your comments?

00115

1 MR. TITUS: ATV use is just another thing for a boat
2 and motor. If you use a boat and motor to go hunting and
3 fishing and they're using their ATV's to transport what they
4 catch back home to feed their families with, so they should
5 take that into consideration. They're ain't going out there
6 for sport.

7
8 CHAIRMAN FLEENER: I got a comment. The use of ATV's I
9 know in a lot of large communities, big cities like you say a
10 lot of people don't like the idea of people in rural
11 communities getting any benefit by using these newer things,
12 four-wheelers, snowmachines, guns, you know, all kinds of
13 stuff. When you talk about traditional hunting there's always
14 some funny guy in the crowd that says, well, gee you guys used
15 to use arrows and spears, you know, and you shouldn't use this
16 new fancy stuff. But if you're a traditional hunter and you
17 have any wits about you, you're going to use the most advanced,
18 best method and the thing that's going to take you the least
19 amount of time to get your game and get it home. You're not
20 out there to have fun most of the time, although it is fun
21 being out there, you're out there to do something and get back
22 with your food. So traditional -- when you're talking about
23 traditional, you should take into account that most of the
24 people, at least in my neck of the woods, that means using
25 whatever means possible to get that animal as economically as
26 possible. So four-wheelers, if it's economical use a four-
27 wheeler, that's a traditional method. If it's economical to
28 use a snowmachine or snowshoes or whatever you want to use. So
29 that's my comment.

30
31 MR. TWITCHELL: So you don't consider that a length of
32 time is necessary for use of a mode before it's considered
33 traditional and you consider traditional -- ATV use as
34 traditional currently?

35
36 CHAIRMAN FLEENER: Well, if snowmachines -- well, let's
37 say you had these laws into effect and all of a sudden
38 snowmachines were invented, let's say that we hadn't had them
39 before. The snowmachine just got invented, you're going to --
40 according to what you're saying you wouldn't allow them on the
41 basis that they're brand new, although they're going to help
42 the hunter get the food faster, they're going to help the
43 hunter get things more economically. Let's say guns were just
44 invented or lets say there's something that's more advanced
45 that we can use to get the animal without wasting a lot of
46 ammunition or wasting a lot of time or wasting gas and oil, you
47 know, they came out with these new Hondas and they get twice
48 the gas mileage, should we not use them because they're more
49 advanced. I think -- I don't know what everybody else thinks

50 about the time limit, but to me it seems like if you want to

00116

1 get the animal in an economical way, that's how you're going to
2 do it, that's the economical way.

3

4 MR. GINNIS: Mr. Chairman, I just want to make a
5 comment on the word that's being used here, you know,
6 traditional use, you know. You know, in my vocabulary,
7 traditional use, I mean something regarding something like
8 this, the terminology of traditional use shouldn't be used.
9 When we're talking about traditional use from my perspective
10 we're talking about our customary and traditional use areas,
11 you know, and applying that same word to something like this
12 doesn't sit well with me. I would prefer that you use
13 something like prior use when you're talking about something
14 like this. I think it might be more appropriate. Because the
15 terminology, the word being used here, it's not -- I mean I
16 don't -- I just don't agree with the wording of it. So you
17 should find something other than saying traditional use of
18 these vehicles, I would appreciate that. If you understand
19 what I'm trying to say here, maybe I'm not articulating my
20 point of view very well here on this point of issue. But
21 everything that's coming out seems to have something
22 traditional attached to it. You know, and it's not the -- the
23 terminology is not right.

24

25 MR. TWITCHELL: Okay. I understand. The only reason
26 that this is being used here in this instance is because ANILCA
27 identified it, surface transportation traditionally employed
28 for subsistence purposes. So it's not by choice that we threw
29 that word in, but I understand what you're saying.

30

31 MR. GINNIS: No. I'm not saying you threw the word in,
32 I'm just making a point of utilizing the word in that context.

33

34 CHAIRMAN FLEENER: Randy, go ahead.

35

36 MR. MAYO: Yeah. I just had a comment on -- to follow-
37 up on what Steve was talking about. And you know, maybe it
38 should be changed to means and methods because this -- you
39 know, around Fairbanks -- you know, Fairbanks is just extending
40 out up to Livengood and beyond and up to the Yukon and you see
41 a lot of trucks in the summer and winter hauling snowmachines,
42 ATV's and four-wheelers up and they're just making trails all
43 over off of the highway there. So, you know, we don't want to
44 undermine our position here, you know, using means and methods
45 there because the other side will say, hell, you know, they're
46 using the same equipment I'm using, what makes them so
47 exclusive, you know. So this terminology should be changed,
48 you know. You know, they're making a lot of trails all over
49 off of that Elliott Highway and even on the Haul Road, you

50 know. So, you know, if we want to strengthen our position or

00117

1 this will just give the opposition, you know, something to use
2 against us, you know.

3
4 CHAIRMAN FLEENER: Nat.

5
6 MR. GOOD: You know, just to follow-up on what Craig
7 said, I've been thinking about that. You know, had this been
8 enacted in 1940 there would have been current technology in
9 place. We're sitting here in 1997 and in essence we're going
10 to put in a current technology in place. Now, what about the
11 children or grandchildren, say 50 years from now, will they be
12 limited to the technology that we accept at this point in time?

13
14 MR. TWITCHELL: No. They -- I hope that they wouldn't.
15 If you look at the Senate report, they talk about new
16 technologies, future technologies. And they get the wording --
17 I'll have to refer to this myself, the wording is this, this
18 section also recognizes the importance and the use of
19 snowmachines and motor boats and other means of surface
20 transportation traditionally employed for subsistence purposes
21 on public lands. Although aircraft are not included within the
22 purview of this section, the reference means traditionally
23 employed for subsistence purposes is not intended to foreclose
24 the use of new as yet unidentified means of surface
25 transportation so long as the means are subject to reasonable
26 regulations necessary to prevent waste or damage to fish,
27 wildlife or terrain. So new technology is implied in the
28 Congress intent in the Senate report, so it shouldn't.

29
30 CHAIRMAN FLEENER: Yeah. We have one question in the
31 back if you want to come up and state your name. You can sit
32 at that table right there if you want.

33
34 MR. NICHOLI: Hi. I'm Joe Nicholi and I just have one
35 question. Are these Tanana tribal members going to be able to
36 go over there and go trapping as of now?

37
38 MR. TWITCHELL: Currently to go up into Denali National
39 Park, either you would have to apply to the superintendent for
40 a subsistence use permit in which case you would have to show a
41 personal or a family history of use of those park lands in
42 order to qualify. So that would need to be done. In terms of
43 the national preserve land, there is no specific eligibility
44 along those lines. So an individual could from Tanana could
45 travel to the national preserve lands there and under the
46 general Federal regulations, they would be able to hunt, trap
47 and fish.

48
49 MR. NICHOLI: So what you're saying is we can't trap in

50 Denali National Park without a permit from the -- and what if

00118

1 -- when you said before, that we're not in the zone is at or
2 nothing, but traditionally and culturally, what I remember --
3 what my elders tell me, our grandpas -- our forefathers from
4 here have trap lines through that place. And still you're
5 going to tell these tribal members that they can't go over
6 there and trap now?

7
8 CHAIRMAN FLEENER: What he's saying is that if you feel
9 like or the community members here feel like they have a
10 traditional practice there that you can put in an application
11 to put Tanana in as one of the resident zones. You guys can
12 apply. You have that ability, it might take awhile though.

13
14 Okay. Let's hold the comments and try to get through
15 this as quickly as we can.

16
17 MR. GOOD: I'd just like to make one quick statement
18 here, you know, in the national parks in the past they've
19 always said we wanted to maintain things in a natural state.
20 And I certainly approve of what you're doing here. I would
21 like to see even more effort for subsistence to occur in
22 national parks, because in the past it seems like the only
23 National Park System did was remove the highest level of
24 predator that existed prior to the national park and that
25 highest level of predator was man. That's it.

26
27 MR. TWITCHELL: Trapping. The focus on trapping on
28 Page 24.....

29
30 CHAIRMAN FLEENER: How about cabins on 23?

31
32 MR. TWITCHELL: I wasn't going to bring up cabins in
33 particular.

34
35 CHAIRMAN FLEENER: Okay, that's fine then.

36
37 MR. TWITCHELL: Unless there's a particular question
38 that someone has on it. Our cabin regulations are extremely
39 stringent. Of all the NPS regulations, there is a limited
40 amount of flexibility that the superintendent has with regards
41 to cabins. If you wanted to go into it I could. I was just
42 going to pass over it at this point to try to get to something
43 that's a little more pressing.

44
45 CHAIRMAN FLEENER: That's fine.

46
47 MR. TWITCHELL: In trapping, the focus here is that
48 commercial trapping is not permitted in national parks or
49 monuments or preserves. The focus here is commercial trapping

50 being that where someone is hired to go out and run a trap

00119

1 line. Certainly subsistence trapping is authorized in both the
2 park and preserve.

3
4 Probably the controversial issue that's out there is
5 that the current Park Service regulations defines trapping only
6 to be the harvest with a trap, snare or a net and the use of
7 firearms is not included in that definition. So subsequently
8 the taking of a free roaming fur bearer is only authorized
9 under hunting regulations and hunting license. Trapping, under
10 our NPS definition does not include the taking of a free
11 roaming fur bearer with a rifle. That caused quite a bit of
12 discussion about a year ago when the Park Service proposed to
13 put out a regulation clarifying that. There was significant
14 amount of negative comment regarding that interpretation and
15 the regulations have been tabled at this time. So I know many
16 of the SRC's have commented they do not agree with that
17 interpretation. And I simply bring it out as an issue to the
18 Council as well.

19
20 Customary trade. The sale and exchange of fur for cash
21 is considered customary trade in park areas. The issue in
22 question that I raise here is the use of other material, such
23 as plant material for birch bark baskets, snow shoes or dog
24 sleds or other items are not considered in the Park Service
25 realm as customary trade. With the exception of two park
26 areas, Gates of the Arctic and Kobuk where use of handicraft
27 articles made from plant material is incorporated. The
28 question is, should other park areas incorporate the use of
29 handicraft items, plant materials, et cetera, within the
30 purview of customary trade or not? I'll put it out to you.

31
32 CHAIRMAN FLEENER: Steve.

33
34 MR. GINNIS: I just want to ask a question. You said
35 that the -- you were talking about it a few minutes ago when
36 you said that the SRC disagreed. It's still says here in these
37 reports -- so I guess where is there power or their authority?
38 I mean it would seem to me that as employees of the Park
39 Service that you would listen to the recommendations of the SRC
40 who supposedly represent users in that particular area. And
41 yet it's reflected in your report.

42
43 MR. TWITCHELL: That's correct.

44
45 CHAIRMAN FLEENER: Hold on for a second, before you
46 answer that, I'd like to say maybe we should hold off on all
47 the questions because we're getting close to the time that
48 these ladies have prepared food. And if you could let him get
49 through this real quick and save all the questions until last.

00120

1 MR. GINNIS: Well, let him answer this question here
2 first, if you don't mind, Mr. Chairman.

3
4 MR. TWITCHELL: That's correct. It was objections to
5 that NPS deter -- interpretation of our definition of trapping
6 by the Gates of the Arctic and the Denali Subsistence Resource
7 Commission as well as other members of the public that caused
8 the Park Service to pull that proposed clarification. And that
9 has been removed and tabled. If the Park Service moves forward
10 again to clarify that, I think those -- that those comments are
11 certainly there and those commissions are opposed to that. I
12 simply bring it up just to let you know that that was a
13 proposed action the Park Service was going to take and they
14 have since then retreated from that position.

15
16 The last item is the Subsistence Resource Commission
17 are identified to advise the park on subsistence use of park or
18 monument areas. And there is no line authority or designation
19 that they're responsibility is to advise regarding preserves.
20 It is the Park Service interpretation that with subsistence
21 resources in use is crossing between park and preserve lands,
22 that it's entirely appropriate for the SRC's to advise
23 regarding subsistence uses on preserves. So that is not
24 specified in ANILCA in terms of their authority and their
25 enabling provisions, but it's the Park Service interpretation
26 that they could advise on those preserves as well.

27
28 The one area that is not addressed is those areas that
29 are preserves alone. They don't have any park or monument
30 lands associated with them. An example would be Noatak or
31 Yukon-Charlie as areas where there's no park lands associated
32 with those, they're designated as preserves. And as such, they
33 don't have a Subsistence Resource Commission established to
34 advise. In that case, the local Fish and Game advisory
35 committees and the Regional Councils are the public forum for
36 advising regarding use of preserve areas.

37
38 With that, those are the main topics that I consider to
39 be the most controversial and those are the areas where any
40 comments from the Council would be most useful.

41
42 MR. GINNIS: Mr. Chairman, after this discussion here --
43 I mean this presentation here and looking at these recommended
44 changes or whatever you want to call them, it seems to me like
45 there's more restrictions being applied here, you know. It's
46 getting to the point where it's getting so restricted that
47 people's use is going to start becoming limited. That's the
48 way I view these things right here.

49

Now, the other issue I want to raise is the SRC. And,

00121

1 you know, we -- as this Council here appoints a person to
2 represent us on that board. And I'm assuming we're giving them
3 that responsibility and that authority, yet it seems to me that
4 the National Park Service is just coming up with these
5 regulations and not really abiding by the issues and concerns
6 raised by these folks. You said that yourself. You know, they
7 disagreed with a certain provision in here, you know. So
8 Vince, I need some direction from you as to how to address this
9 -- giving the power, I guess more power to these SRCs. They're
10 more familiar with these Park issues and that's why we have
11 them there. That's why Frank is from there, you know, and so,
12 I don't know, I'd like to address that, Vince. If there's any
13 way that we can give them the -- you know, the power they need
14 to make these things become reality. Because the way I look at
15 this thing here is just becoming more and more restrictive.

16
17 MR. MATHEWS: Mr. Chairman, Mr. Ginnis, the Subsistence
18 Resource Commissions were established under ANILCA to be a
19 means to protect subsistence uses while protect -- and keep a
20 dialogue going with the National Park Service on subsistence
21 uses within the park. They answer directly to the Secretary of
22 the Interior. Your involvement with the Subsistence Resource
23 Commission is through appointment to of those that have, you
24 know, who have members -- you know, there's usually nine
25 members on the SRC's if I'm correct, three from the Governor,
26 three from the -- three appointed by the Governor of Alaska,
27 three appointed by the Secretary of the Interior and then the
28 remaining three by the Regional Councils that are effected. I
29 have no advice to give you of how to take action to empower the
30 Subsistence Resource Commission. My only advice to you would
31 be as early on and Hollis acknowledged that when and if any of
32 these actions that are potential in here go forward as
33 potential decisions to be made that they will be back before
34 this Council. And that was agreed that those actions would be,
35 the roster list, any of these others would be back before this
36 Council. So maybe someone else can shed some light on your
37 request to empower the Subsistence Resource Commissions, I
38 don't know of any way.

39
40 MR. GINNIS: Well, maybe I shouldn't even ask the
41 question. I'll just go ahead and make a motion. That you as
42 the Coordinator investigate the possibility of giving more
43 powers to these SRC's, so that's a motion.

44
45 CHAIRMAN FLEENER: There's a motion on the table.
46 Vince, can you read that motion back?

47
48 MR. MATHEWS: That the Coordinator would -- it's
49 getting late -- that the Coordinator would investigate

50 possibilities of ways to empower the Subsistence Resource

00122

1 Commission is the way I understand it.

2

3 MR. GINNIS: You got it.

4

5 CHAIRMAN FLEENER: Is there a second to the motion?

6

7 MR. MILLER: Second.

8

9 CHAIRMAN FLEENER: Charles seconded it. Discussion?

10

11 MR. GINNIS: Question.

12

13 CHAIRMAN FLEENER: Nat. Hold on.

14

15 MR. GINNIS: Oh.

16

17 MR. GOOD: Is this something you can do, number one?

18

19 MR. TWITCHELL: The Subsistence Resource Commissions
20 are established through ANILCA. There's a section in ANILCA
21 that directs that these commissions be formed. It also directs
22 that they are to communicate through the superintendent through
23 the Secretary of the Interior. That's the line of authority
24 that they enjoy that this Council doesn't or other local fish
25 and game advisory councils do not. That direction and that
26 communication was put in there because there was some concerns
27 that their voice be heard at a higher level than the management
28 -- park management alone in Alaska. So that authority was
29 there and it was created for them and they enjoy that
30 provision. The Secretary has directives in ANILCA that he is
31 to respond to the Subsistence Resource Commissions in writing
32 and either approve their recommendations or if he denies them
33 and by a set of four criteria, he has to justify why their
34 recommendations are not being incorporated.

35

36 CHAIRMAN FLEENER: Steve, do you have a comment?

37

38 MR. GINNIS: That messed up my thoughts here. Go
39 ahead.

40

41 CHAIRMAN FLEENER: Okay. Anymore discussion?

42

43 MR. GINNIS: Oh, sorry, yeah. What I was going to ask
44 you was in regards to backlog c&t's, is there any -- in here
45 that you would like to comment on or have any recommendation,
46 if there's any in here that's related to the Denali.....

47

48 CHAIRMAN FLEENER: Well, we have a motion on the table,
49 we should get through that before he goes over the whole.....

00123

1 MR. GINNIS: Fine. What's that?

2

3 CHAIRMAN FLEENER: Before we do that, we should take
4 care of this motion on the table, don't you think?

5

6 MR. GINNIS: Oh, I thought we already voted.

7

8 CHAIRMAN FLEENER: Nat.

9

10 MR. GOOD: Well, Mr. Chairman, with regards to the
11 motion on the floor, I think we're going to be hearing from
12 Frank Entsminger and it might be a good idea to wait until that
13 time to get his input from the SRC from his point of view.

14

15 CHAIRMAN FLEENER: Vince.

16

17 MR. GINNIS: That might create a little war in here,
18 okay.

19

20 MR. MATHEWS: The motion on the floor, so I can get
21 this clarified, is to investigate possibilities to empower the
22 SRC's. Is Steven trying to look at that they would have a
23 higher level of involvement in the review of these regulations,
24 is that what Steven is trying to look at, the review of this
25 report?

26

27 MR. GINNIS: Excuse me, what?

28

29 MR. MATHEWS: I'm sorry. Is the motion on the floor to
30 assist the SRC's to have a higher level of involvement and
31 input into this review of NPS regulations and subsistence law;
32 is that your intent?

33

34 MR. GINNIS: I think that's what I'm trying to say,
35 yeah.

36

37 MR. MATHEWS: Okay.

38

39 CHAIRMAN FLEENER: Do you have any idea if you have the
40 ability to do that Vince?

41

42 MR. MATHEWS: You know, someone whispered in my ear
43 that there is a way. I don't know what it is at this moment.

44

45 CHAIRMAN FLEENER: You think there's a way?

46

47 MR. MATHEWS: I think it might be -- I don't know when
48 you want to bring in your representative from Wrangell who sits
49 on this commission who may be able to shed some light on this.

50 So I leave that to your judgment. It may be better before you

00124

1 vote on this motion.

2

3 MR. GINNIS: Well, if it's the Council's feeling that
4 we ought to wait off on it, I'll withdraw the motion.

5

6 CHAIRMAN FLEENER: Charles, do you withdraw the second?

7

8 MR. MILLER: Yes.

9

10 CHAIRMAN FLEENER: Steve, do you withdraw the motion?

11

12 MR. GINNIS: The motion is dead. Now, can I get back
13 to the question that I was asking him about.....

14

15 CHAIRMAN FLEENER: Certainly.

16

17 MR. GINNIS:c&t findings? Is there any backlog
18 c&t's that you're aware of and do you have any comments on them
19 or any recommendations on them?

20

21 MR. TWITCHELL: The backlog on c&t was dealing with the
22 McKinley Village Parks Highway 216 to 239 for moose. That was
23 addressed last year and it was addressed to the satisfaction of
24 the commission and the subsistence users. That being to
25 reestablish their customary and traditional use in Units 20(A)
26 and 20(C) and 13. So that particular backlog addressed a very
27 problematic c&t problem for Denali.

28

29 MR. GINNIS: Which one was that?

30

31 MR. TWITCHELL: It was a proposal last year dealing
32 with customary and traditional use of moose in Unit 20(A),
33 20(C) and 13.

34

35 MR. GINNIS: Oh.

36

37 MR. TWITCHELL: And that's been resolved
38 satisfactorily.

39

40 MR. GINNIS: Thank you.

41

42 CHAIRMAN FLEENER: Does that conclude your
43 presentation?

44

45 MR. TWITCHELL: Yes.

46

47 CHAIRMAN FLEENER: Okay. Vince, you got anything?

48

49 MR. MATHEWS: No, I do not.

00125

1 CHAIRMAN FLEENER: Okay. Why don't we take a break for
2 dinner and reconvene at 6:15.

3
4 (Off record)
5 (On record)
6

7 CHAIRMAN FLEENER: I'd like to call the meeting back to
8 order, please. Where is Bruce? Bruce, you're in the hot seat.
9

10 MR. GREENWOOD: I'm Bruce Greenwood of the National
11 Park Service. And in just a moment I'll be talking about
12 Wrangell-St. Elias National Park and some issues that Jay Wells
13 asked me to present to the Regional Council.
14

15 I think the first thing that's important to -- the
16 conversation that was already talked about is the resident zone
17 status for Wrangell-St. Elias. At your meeting last fall
18 there was a motion that was made that there was discussion of
19 the St. Elias resident zone communities and the Council made a
20 motion for a recommendation to include the three communities of
21 Tetlin, Dot Lake, Northway as resident zone communities for
22 Wrangell-St. Elias and that motion passed. Well, in the
23 meantime, the Park Service has gotten with the communities and
24 they decided to add Tanacross to that also. So at this point
25 in time, the proposed rulemaking will include the communities
26 of Tetlin, Dot Lake, Northway and Tanacross. We were going to
27 ask -- and this Council could, if they choose -- chose to make
28 a recommendation to include Tanacross, however, they've had to
29 -- they're going to change the proposed rule and along with
30 that they have prepared an environmental assessment and an 810
31 analysis which would analyze and discuss any potential impacts
32 of this. An 810 analysis specifically covers any impact of
33 subsistence users in the area by this change. In this case I
34 would imagine it's going to come out it's going to benefit the
35 subsistence users by doing this. Jay Wells wanted me to let
36 you know that there'll be further opportunity for the Regional
37 Councils to comment possibly next fall or next winter when it's
38 moving further along in the process.
39

40 The other thing he mentioned that he wanted to cover is
41 regarding the nomination of Frank Entsminger and I think that's
42 further down on the agenda. Vince, could you correct me on
43 that?
44

45 MR. MATHEWS: Yes.
46

47 MR. GREENWOOD: That's further on the agenda so I'll
48 set that aside for now. The third thing was a year ago at the
49 winter meeting at Ft. Yukon I made a presentation to this

50 Council regarding a hunting plan proposal to allow the people

00126

1 to harvest migratory birds within the national park. There's
2 kind of some regulatory glitches now that prohibit that use and
3 we wanted to let you know that this hunting upon recommendation
4 is being forwarded to the Secretary of the Interior as
5 recommendations are and your comment is included along with
6 that recommendation. Right now there's a lot of legal
7 questions regarding it and one way to get the legal questions
8 regard is to formally submit a hunting plan recommendation. So
9 as that proceeds through, we'll keep updating the Council on
10 that issue.

11
12 The fourth thing is there's going to be an SRC meeting
13 that's going to be held February 25th and 26th of this month,
14 of February. The purpose of this meeting, what I understand
15 primarily is going to again, review the proposals for that
16 area. And as you'll hear tomorrow, there's about six or seven
17 c&t proposals and a couple other proposals that effect the
18 hunting seasons for, I believe, sheep. So the SRC wants to
19 take an opportunity at that time to see where both Regional
20 Councils -- what both Regional Councils recommended and then at
21 that point they can make further recommendations to the
22 Subsistence Board at the Board meeting in April that may
23 provide more information or may concur with or differ from what
24 the Regional Council's chose to do.

25
26 And that's all unless there's any questions, we'll move
27 on to the next item.

28
29 CHAIRMAN FLEENER: All right.

30
31 MR. GREENWOOD: Thank you.

32
33 MR. MATHEWS: The next report would be from Bureau of
34 Land Management. I think Ruth is going to cover that. And for
35 the public this is a section of the agenda where agencies can
36 bring up topics other than what's on the agenda to just let the
37 Council know what's happening. It doesn't require they give a
38 report, it's just an opportunity for them to brief the Councils
39 on what's happening.

40
41 MS. GRONQUIST: Mr. Chairman, members of the Council,
42 I'd just like to update you on a few things.

43
44 COURT REPORTER: I'm sorry, could you give your name
45 please?

46
47 MS. GRONQUIST: Ruth Gronquist with the Bureau of Land
48 Management, Northern District Office. Earlier the question
49 arose about the Forty-mile herd. The 1996 herd estimate for

50 the Forty-mile herd is 23,458 animals, which is a four percent

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1 increase over the 1995 mid-summer population estimate. Some of
2 the contributing factors for that increase may be favorable
3 weather as well as community trapping effort to reduce wolves
4 in the calving area. And about 120 wolves were trapped through
5 that effort.

6

7 MR. ENTSMINGER: One hundred twenty-eight.

8

9 MS. GRONQUIST: One hundred twenty-eight. The Forty-
10 mile caribou herd management plan team will be meeting in
11 Fairbanks on February 19th and that's a public meeting, open to
12 anyone who wants to attend.

13

14 An update on the plan, the implementation plan for the
15 non-lethal control portion will be presented before the Board
16 of Game during their March meeting. And we'll also be having
17 some new members on the planning team as you know, at Stevens
18 Village you -- Nat volunteered to be on that team. We've had
19 good voluntary response from hunters in the -- from the hunting
20 community on redirecting harvest to other herds. And in the
21 fall hunt, 101 caribou were harvested from the Forty-mile herd.
22 There were a few more harvested in the winter hunt and the
23 State hunt was actually closed at midnight on December 25th.
24 But Federal -- hunting on Federal lands remains open until
25 February 28th.

26

27 Briefly the White Mountains national recreation caribou
28 hunt -- subsistence hunt will begin the 15th of February and
29 run through the 15th of March. That's a registration permit
30 hunt that's been on the books for two years, this will be the
31 third year. And part of the reason that that hunt became a
32 registration hunt was to try and graph subsistence use because
33 there's very little information. And in the two years that
34 that permit hunt has been -- since the permit hunt has been
35 implemented there has been no requests for permits. The State
36 has a hunt at the same time actually this year, it will be
37 longer than the Federal hunt and that's by lottery permit.

38

39 Just an update on the Dalton Highway Corridor
40 development, there are two different things going on in the
41 corridor with development. One of those is a result of
42 Alaska's House Bill 93, which stated that no leases can be
43 issued for development within the corridor until the Governor
44 has a plan. So he created the Dalton Highway planning and
45 advisory committee which Randy Mayo sits on; is that correct.
46 And our State director is also on that committee. That House
47 Bill doesn't regulate development on BLM nodes. And one of
48 those nodes is the Yukon crossing. However, any work at the
49 Yukon crossing is on hold partially because of the board that

50 the Governor has put together so that there can be coordination

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1 of any development there. And protecting subsistence uses and
2 viewing opportunities are the high priorities for BLM of those
3 nodes.

4
5 And the last thing I just wanted to brief you on is the
6 Gateway project in the White Mountains National recreation
7 area. Along Nome Creek to the south as you know there is a
8 road going in, this summer 13 miles of that road will be
9 completed so that the public can drive on it. And it will go
10 within two and a half miles of Beaver Creek, so it will improve
11 access for floaters into Beaver Creek in that they don't have
12 to go through the part of Nome Creek where there usually isn't
13 enough water and they usually end up dragging their rafts.

14
15 Usually there are about five parties that float Nome
16 Creek. Most of them take out at Victoria Creek. The few of
17 that total of five, the very few that go all the way down to
18 Beaver Creek on down to the Yukon River usually are doing that
19 prior to September, prior to fall moose hunting and it takes
20 three or four weeks so not very many people undergo this trip.
21 We really don't expect there to be more floating traffic on the
22 Yukon River because of this road going in. And we expect that
23 most of the use will continue to be along Nome Creek.

24
25 And that's all I have unless you have some specific
26 questions. Frank and I do have a copy of the proposal before
27 the State to implement the non-lethal control portion of the
28 Forty-mile plan.

29
30 CHAIRMAN FLEENER: Did you happen to bring any maps or
31 pictures of the locations of where the road is going to go in?
32 I know that they've been distributed around before, but I don't
33 have one.

34
35 MS. GRONQUIST: I didn't do that, but I can get them to
36 you.

37
38 CHAIRMAN FLEENER: Okay. E-Mail me.

39
40 MR. MAYO: Yes. I want to make some comments on this
41 issue of, you know, we're pretty concerned, you know, the
42 corridor is within our traditional lands there. The Governor
43 signed that bill, he didn't really know what it was all about,
44 but he signed it anyway. Seven thousand acres to lease for
45 commercial development. So it's just one step justifying the
46 next, you know. At first that corridor was for industrial use
47 and you know, it's just -- the next thing you know they want a
48 town there. Well, that was their plan along since the 1970s,
49 the State wanted a townsite there, so like we'll have another

50 Tok Junction right in our backyard, 20 miles from us.

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1 You know, over the years I seen that Tolovana, that
2 White Mountain's trail, at first it was just a little trail and
3 now they got a big parking area there and outhouses and signs.
4 And that trail is as wide as a right-of-way, like a road, you
5 know. So it's just the agencies attitude that one step
6 justifying the next, you know. The same way with this Nome
7 Creek access road, what's the justification of building a
8 multi-million dollar road for a few users. You know, how to do
9 you justify that when there's a lot of other needs in the
10 State? I know you're the wrong person to be talking to, I
11 should be talking to your boss, Tom, you know. But these are
12 some issues that the local people have to get up on and start
13 questioning these agencies on their justification, the dollars
14 you know.

15
16 You know, you say that very few people will access the
17 Yukon Flats, but you know, how many times have we heard that.
18 Pretty soon, you know, you will build it and they will come,
19 you know. And then you're just going to say, well, gee, this
20 place is crowded we're going to have to extend it and then just
21 on and on and on, you know. This is our concerns up there in
22 Stevens Village, you know. We're having a heck of a time
23 dealing with the buildup in that pipeline corridor right now.
24 Not only us but the other communities up further that, you
25 know, Alakaket, Alatna and those Koyukuk River communities
26 people are accessing through the Haul Road and going down the
27 Koyukuk. You know, we're pretty concerned. You know, working
28 with the BLM there's a lot of mandates, you know, the tribal
29 government can contract some of their programs and this is what
30 we're going to look into.

31
32 CHAIRMAN FLEENER: It does seem kind of strange that
33 they would build this road if there's five groups of floaters
34 or whatever you said going down it when the State is talking
35 about decreasing budgets and what not. But how long was the
36 improvement, did you say, that they built this summer?

37
38 MS. GRONQUIST: They will finish the road this summer,
39 13 miles of the road this summer. The total project is
40 supposed to be 16. So they will go up closer to Mt. Prindle
41 when it's completely finished.

42
43 MR. MAYO: One other comment that I can make is that,
44 you know, the agencies, their mandate of, you know, to provide
45 for the American public, their recreation and stuff, you know,
46 we're still out there in our country making our livelihood off
47 the land. And I got some literature back from this Rampart
48 Canyon proposed damn was being talked about. Back then the
49 attitude of the backers of this project described that the

50 Yukon Flats as a wasteland, a swamp, you know, breeding ground

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1 for flies and mosquitoes and a few muskrats and beaver and not
2 to mention it's the home of 1,500 or so impoverished Indians
3 eking out a miserable existence. I mean this is written down
4 by the -- you know, the territorial legislator at that time,
5 Earnest Greening and Bartlett and some of them. So now some
6 years later it's looked at as a prime, you know, playground for
7 recreationalists, you know. So they see dollar signs there,
8 you know, whereas before it was described as a big swamp, good
9 for breeding ground for vermin you might say and home to some
10 impoverished Indians, you know. So this kind of arrogant
11 attitude of these agencies, you know, I don't appreciate. This
12 is our homeland, you know. So have real problems with the
13 mandates of these Federal agencies, you know, they provide
14 recreation for everybody else while we're still out there
15 making a living off that land.

16
17 You know, we've tried to work with the local agency in
18 Fairbanks, and you know, they keep saying they want to work
19 with us, yet they just keep charging ahead with their plans of
20 turning our area into a playground. One day I was meeting with
21 them over a sign at the Yukon, it took us three years to put up
22 that sign and I was talking to the manager and director over
23 here and then over on this side of the room there's some guys
24 working on -- looking at a big map and going, well, um, this
25 looks like the best route to take there and so I went over to
26 them and asked them what they were talking about and they said,
27 oh, this is Yukon Flats overlook on the Haul Road, we're
28 figuring on putting in a little campground and trail down here
29 so they can, you know, look out over the Flats. You know, one
30 step justifying the next. Pretty soon they want to make it
31 longer and longer, you know. So I asked them is this how you
32 implement your plans, just get a pencil and start drawing all
33 over? And they didn't know who I was and they said, basically
34 yes and they found out who I was and then they try to back it
35 up -- backup and say, oh, we don't even have the money for this
36 yet, you know, we're just fooling around here is what they told
37 me.

38
39 Anyway that's some of my concerns here.

40
41 CHAIRMAN FLEENER: Thanks, Randy. Anything else for
42 Ruth? Yes.

43
44 MR. GINNIS: Mr. Chairman, I just wanted to ask a
45 question regarding the Forty-mile caribou herd regarding the
46 trapping by local people. I guess that's an effort of some
47 sort of predator control; is that what it is?

48
49 MS. GRONQUIST: Frank can help me on this one if I miss

50 something. The trapping that I referred to was an independent

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1 effort of trappers. It wasn't part of the Forty-mile caribou
2 herd management plan. And there was an effort made to trap --
3 increase trapping in the calving range which is an area that
4 hasn't had as much coverage in the past because it's difficult
5 to get to.

6

7 MR. GINNIS: I guess I just brought this issue out
8 because I read something in the newspaper, I think it was two
9 weeks ago or so regarding -- I think it had to do with the
10 trapping effort. It seemed that there was some issue from
11 environmentalists, I'm not quite sure what the article -- it
12 had something to do with the Forty-mile caribou herd. Do you
13 know anything?

14

15 MS. GRONQUIST: I don't think I caught that article.

16

17 MR. ENTSMINGER: Yeah, Mr. Chair, Steve, I don't
18 believe I noticed that article either. But I do know from the
19 onset that basically the evolution of the plan we're at where
20 we are now because the environmentalists don't want any wolves
21 killed basically.

22

23 MR. GINNIS: Okay, maybe that's what it was about.

24

25 MR. ENTSMINGER: And we were trying to devise some kind
26 of a plan that would be as palatable to the average general
27 public, you know, to get rid of wolves in the least offense
28 manner so we could benefit the calf survival in the Forty-mile
29 so we could get that herd back on its feet. So there's a very
30 different ideas put forth. And the plan is to, you know, try
31 out some of these new ideas, like sterilizing wolves and trans-
32 locating wolves, that type of thing.

33

34 But from the onset, the team members made it known that
35 they wanted to encourage trappers to get up there and actually
36 catch as many wolves as they could before anything was done
37 through the Department of Fish and Game.

38

39 MR. GINNIS: The other thing is it seems like the
40 efforts that have been made by the Forty-mile management board
41 really helped increase the population, caribou population?

42

43 MR. ENTSMINGER: Well, I think it was a combined effort
44 there Steve. Actually with the trapper incentive program --
45 actually a private entity, a bunch of people got together and
46 basically they setup a bounty system for wolves. They offered
47 \$400 for every wolf that was caught within this range. They
48 drew an area out on the map and they said if a trapper catches
49 a wolf within this area, they're going to pay \$400 for it. So

50 the winter of '95/96, 128 wolves were trapped out of that area,

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1 where normally speaking, I think something like 50 to 60 wolves
2 would have been trapped out of the area. So basically there
3 was a large increase in the trapping which helped. And then of
4 course, that winter was a mild winter also. So the two factors
5 combined kind of attribute to a good calf survival rate and an
6 increase in the herd.

7
8 MR. GINNIS: And the last thing has to do with Beaver
9 Creek. Again, I just want to just for the record propose this
10 idea of Beaver Creek Road. You know, I guess I'm just curious
11 how do you control the impact of people that's going to come in
12 there? I mean people that want to float down that creek, is
13 there some way of -- or is it just open to anybody that just
14 goes out there and just.....

15
16 MS. GRONQUIST: I'm not sure what our recreation staff
17 has in mind for dealing -- mitigating impact from increased
18 use, but I know they don't expect much increased use because it
19 is a long trip and it's an expensive trip. And as I said, most
20 people get out at Victoria Creek missing that hard part of Nome
21 Creek where people have to drag rafts in normal years. They
22 don't anticipate it's really going to increase traffic very
23 much on Beaver Creek itself.

24
25 MR. GINNIS: And the last thing is, you know, that
26 management area there is just north from where we're from, the
27 Yukon Flats. And even though it may be -- or south of us
28 rather, even though it seems like it might not have an impact
29 on us, certainly what goes on on the other side of that
30 mountain really does have an impact. And I guess my -- I'd
31 like to express our concern that there's no individuals that I
32 know of that's on this planning team. And in terms of that
33 Steese Highway -- what is it called, Steese Highway
34 recreational area; is that what it's called?

35
36 MS. GRONQUIST: There's the White Mountains National
37 recreation area.....

38
39 MR. GINNIS: There you go.

40
41 MS. GRONQUIST:and then just to the east is the
42 Steese Conservation area.

43
44 MR. GINNIS: Right. And so I'd like to recommend to
45 you that you tell your friends and neighbors that you work with
46 to look at the possibility of placing some people from the
47 Yukon Flats on that -- if they do have a planning committee of
48 some sort.

49

MS. GRONQUIST: Okay. I have gotten the message from

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1 you guys that you want to make sure that you're involved in
2 these things and I've certainly taken it back to my friends and
3 neighbors at BLM. And I hope that you're seeing some
4 difference, maybe not yet, but eventually. I know that there's
5 been increased communication on what's happening with the
6 nodes, both through the Governor's group and with Tom Allen's
7 participation on that and some other things that the Dalton
8 team is trying to do.

9
10 But to address the Beaver Creek Road -- or the Nome
11 Creek Road in particular, there isn't a planning team at this
12 point. The environmental planning process and the resource
13 management plans and recreation activity management plans that
14 led up to this road being proposed and the EA written on it
15 occurred back in the early '80s. So there would have been some
16 sort of team that develops that.

17
18 MR. GINNIS: Um-hum. (Affirmative)

19
20 MS. GRONQUIST: But I'll certainly take back to the
21 folks in the White Mountains that if they're going to put
22 together a citizens group of some sort to deal with monitoring
23 use and mitigating impacts that Ft. Yukon and Stevens Village
24 and whoever else will be contacted.

25
26 MR. GINNIS: Thank you.

27
28 MR. MAYO: Mr. Chairman?

29
30 CHAIRMAN FLEENER: Randy.

31
32 MR. MAYO: A couple of quick comments. I really
33 disagree with the agency's viewpoint that, you know, they don't
34 really see an increased use of this, you know, access route.
35 That's very false. I mentioned the attitude of, you know, if
36 you will build it they will come. Now, I know in your long
37 range plans you guys just don't build something and go, oh,
38 well, gee no one is going to use it. You know, you guys have
39 projected long range plans, estimates, you know, the State is
40 growing, Fairbanks is growing. So, you know, I really disagree
41 with the agency's -- the message they sent you here with to
42 give us that, you know, no one is going to use it, that's very
43 false. Twenty some years ago, you know, did the agency say
44 this about the pipeline corridor, now look at it. You know, so
45 that's -- you know, that's a false impression that I think
46 you're putting out there -- the agency is putting out. You
47 know, you guys have your projected numbers for so many years
48 ahead. You know, I'm no dummy, you know.

49

Steve mentioned a forum through which we could

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1 participate, there is a forum. What do you call it, the
2 advisory council to the BLM, can you tell him -- can you inform
3 him of that?

4

5 MS. GRONQUIST: Yeah, there is an advisory council.
6 I'm not sure who's on that council that you folks directly
7 communicate with.

8

9 MR. MAYO: Yeah. So you should have told him that
10 there is a forum through which we can participate. Because
11 there is -- you know, CATG, we opposed this, you know, we found
12 out about it through a newspaper article after it was already
13 being built, you know. And the correspondence we got back from
14 the agency was that we were involved through this Northern BLM
15 Advisory Council. Walter Sampson was the chairman at one time.
16 So you know, those are just some points that, you know, I think
17 the agency is misleading the people, you know.

18

19 MS. GRONQUIST: Well, maybe I misled you. What I said
20 was that we don't -- the recreation staff doesn't expect that
21 the rafting traffic on Beaver Creek is going to increase very
22 much. They do expect the traffic along Nome Creek to increase.
23 They expect people to come in there and take advantage of the
24 Placer Mining recreational panning area. And there's quite a
25 bit of grayling fishing that occurs in that area. There is
26 some good hiking. And they expect the Nome Creek area, itself
27 will see an increase. And there will -- they're just not
28 expecting much of an increase on Beaver Creek as far as rafting
29 traffic goes.

30

31 CHAIRMAN FLEENER: Any more questions? John.

32

33 MR. STARR: If they got -- they're giving out permits
34 for caribou hunting on this -- what's the number of the caribou
35 on there?

36

37 MS. GRONQUIST: In the White Mountains National.....

38

39 MR. STARR: Yes.

40

41 MS. GRONQUIST:recreation area, there are about
42 1,500 caribou.

43

44 MR. STARR: And when they're giving out permits on
45 that?

46

47 MS. GRONQUIST: Actually that's not quite right.

48

49 MR. STARR: Okay.

00135

1 MS. GRONQUIST: In the White Mountains herd there are
2 about 1,500 caribou and they do go outside of the White
3 Mountains, a little bit. What was your next question?

4
5 MR. STARR: You said you got to have a permit to go in
6 there and hunt for them?

7
8 MS. GRONQUIST: Just a registration permit.

9
10 MR. STARR: Registration permit.

11
12 MS. GRONQUIST: And those are being issued at the BLM
13 office in Fairbanks.

14
15 CHAIRMAN FLEENER: Okay. If that's all, maybe we
16 should continue on.

17
18 MS. GRONQUIST: Thank you.

19
20 CHAIRMAN FLEENER: Thank you, Ruth. I see here we have
21 public comments here next. Why don't we try to, since we're
22 wanting to hurry along a little, why don't we combine the
23 public comments at the end of the comments of the Fish and
24 Wildlife Service.

25
26 MR. HEUER: Mr. Chairman, my name is Ted Heuer, I'm
27 with the Yukon Flats Wildlife Refuge. I guess I'd like to
28 start by talking a little bit about steel shot issues. I've
29 been asked to discuss two issues that relate to the use of
30 steel shot. The first issue is basically an opportunity for
31 the Regional Advisory Council to have some input to some
32 regulations that the Fish and Wildlife Service is considering
33 at this time requiring non-toxic shot for upland game bird
34 hunts. This should be in addition to regulations that we
35 already have for waterfowl hunting.

36
37 And the second issue is just kind of a heads up that
38 the Fish and Wildlife Service is changing its policy concerning
39 the enforcement of the use of non-toxic for spring waterfowl
40 hunting starting in the spring of '98. So I just want to kind
41 of give everybody a heads up about that.

42
43 CHAIRMAN FLEENER: Changing it in what way?

44
45 MR. HEUER: Starting in the spring of '98, they will be
46 enforcing the requirement to use non-toxic shot for all
47 waterfowl hunting. In the past, since 1991 there's been
48 regulations in place requiring steel shot or non-toxic shot for
49 all waterfowl hunting nationwide. But the Fish and Wildlife

50 Service has used some discretion and hasn't really enforced

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1 that in the spring for subsistence waterfowl hunting, but
2 starting in '98 we will.

3

4 The other issue, as probably most of you know or have
5 heard there have been a lot of waterfowl that have died from
6 eating lead shot pellets. And basically what happens is that
7 ducks and geese when they're out foraging for grit, small
8 pieces of sand and gravel that they ingest to help the gizzard
9 breakdown food before it passes into the intestine, when
10 they're out foraging they pickup lead shot, the grinding action
11 of the gizzard and the digestive juices in the gizzard convert
12 the lead into a soluble lead salt which is absorbed into the
13 blood stream and it causes lead poisoning. Before we
14 implemented the nationwide steel shot regulations back in the
15 1980s, biologists were estimating that between one and a half
16 million and three million ducks and geese were dying every year
17 due to eating lead shot. And those just weren't restricted to
18 the Lower 48. Alaska has documented lead poisoning near
19 Anchorage and Cook Inlet, at the Minto Flats, not far from
20 Fairbanks and there's a current problem in the Yukon-Delta area
21 with threatened spectacle eiders. So anyway the ammunition
22 manufactures developed steel shot as a substitute or
23 alternative to lead shot and it's been required nationwide
24 since 1991.

25

26 On a lot of refuges, particularly in the Lower 48
27 there's a lot of upland game bird hunting that takes place for
28 quail, pheasant, woodcock, grouse, whatever. And some of this
29 hunting occurs in wetlands or adjacent to wetlands, where shot
30 then becomes available for waterfowl. So Fish and Wildlife
31 Service is currently considering regulations that would require
32 the use of non-toxic shot for upland game bird hunting on
33 national wildlife refuges. In Alaska they have asked all the
34 refuges to identify areas where perhaps non-toxic shot should
35 be required for upland game bird hunting. I believe in the
36 Eastern Interior region none of the refuges have identified
37 hunting areas, is that right Bob, at least on the Yukon Flats
38 and the Tetlin and the Arctic, no areas have been identified.
39 And I guess this is just kind of some information to the
40 Regional Advisory Council giving you an opportunity for input,
41 if you would like to comment on these regulations the Fish and
42 Wildlife Service is developing. If you know of areas where we
43 should implement requirements for non-toxic shot for other than
44 waterfowl hunting, it's an opportunity to let us know.

45

46 That's about it for the steel shot update, unless
47 there's some questions.

48

49 MR. GINNIS: Yeah, Ted, I guess I'm just curious, how

50 are you going to enforce this steel shot law anyways? How are

00137

1 you intending to do that?

2

3 MR. HEUER: Just routine patrols. The same way we did
4 in fall. We haven't done a lot of active patrolling during the
5 spring waterfowl season prior to this. We'll start doing that.
6 You know, we want to write as few tickets as possible, at least
7 I do. That's why we're getting the word out as soon as we can,
8 you know, this gives people a little over a year now to prepare
9 for this. And of course the regulations have been in place
10 since '91 nationwide. So hopefully by, you know, in a year and
11 a half people will have used steel shot, they'll get used to it
12 and they'll be aware that we're going to start enforcing it.

13

14 I'm going to turn it over to Greg and Greg's going to
15 talk a little bit about our moose survey that we did in
16 November.

17

18 MR. MCCLELLAN: Yeah. My name is Greg McClellan, the
19 Subsistence Coordinator at Yukon Flats, Arctic and Kanuti
20 Refuge. And like I said earlier, I'm replacing David James.
21 And the first thing I wanted to talk about was our information
22 bulletin. We mailed out about 600 of them to all the box
23 offices on the Yukon Flats area on January 27th. I want to go
24 ahead and -- but the main topic on the bulletin was the moose
25 population survey that we did this last spring. It's a survey
26 that we try to do every year. We alternate and do a survey on
27 25(B) west one year and then try to do 25(B) east on the
28 following year. This last spring we did a survey in 25(B)
29 west, it was a cooperative effort between the residents of
30 Beaver, refuge staff, Alaska Fish and Game and the Park
31 Service. We surveyed a 1,500 square mile area around Stevens
32 Village and Beaver and we estimated the total population of
33 moose within that 1,500 square mile area at 666 moose. This
34 appears to be an increase from our last survey which was
35 conducted in 1992, where we had an estimate of 455 moose for
36 the same area. We staked the survey out of the village of
37 Beaver and want to thank them for all their help and
38 hospitality during the survey.

39

40 Also mentioned in the bulletin is our fisheries
41 resource office out of Fairbanks conducted a sonar count on
42 chum salmon on the Chandalar River and they counted over
43 208,000 chum salmon which is a significant increase over the
44 average for the counts from 1986 to 1990 when they averaged
45 58,000 salmon. The fisheries office is also working on a
46 salmon aging study with the Venetie High School science
47 students in conjunction with our moose management on the
48 refuge. We've been having discussions with -- we had
49 discussions with the folks in Beaver while we were out there

50 doing the survey and we've been trying to meet with them to try

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1 and discuss a cooperative moose management plan. We had hoped
2 to meet in January but scheduling conflicts excluded that, so
3 hopefully we're hoping to meet over the next couple of months.

4
5 We've also been having discussions with the folks from
6 Stevens Village about also doing a cooperative moose management
7 plan and a cooperative moose/calf mortality study. Is there
8 any questions on the moose information?

9
10 MR. MAYO: Yeah. I'd like to ask you about -- you
11 know, you said you were -- well, first of all, we got this
12 information bulletin in the village and a lot of people were
13 pretty upset, you know, that we learned about this survey after
14 the fact and you just mentioned cooperative, you know. Is that
15 how you envision cooperative? You do things and then after the
16 fact you sent these things out and, you know, we didn't know
17 this was going on and it's in our jurisdiction. You look at
18 this map there, you know, and Ted well knows we have our land
19 use plan and we're developing our ordinances, you know, so that
20 plan isn't even taken into account when you do these kind of
21 things. So this will be on the agenda that I talked about when
22 you guys come to the village. I just wanted to mention that,
23 you know, you mentioned cooperative effort and like this thing
24 came out and no one knew about it, you know.

25
26 MR. GINNIS: Mr. Chairman, I guess I see some movement
27 going on here in regards to the moose issue. I mean he says
28 there's a survey being done. However, I'm still concerned
29 about the village of Birch Creek which doesn't even reflect in
30 your moose survey here. You're talking about the area around
31 Beaver and Stevens Village; is that right?

32
33 MR. MCCLELLAN: Yeah. But I -- that was.....

34
35 MR. GINNIS: Wait a minute, hang-on.

36
37 MR. MCCLELLAN: Sorry.

38
39 MR. GINNIS: So I guess the real deep flying is in that
40 -- in the Birch Creek area, you know, the deep flying and the
41 moose populations. And you know, this is something that we've
42 discussed also at the Stevens Village meeting. And I think we
43 got a little frustrated at that meeting because it just kept
44 coming back and forth. But if I recall correctly at that
45 meeting, we -- I think we made a motion that you folks work
46 with certain individuals within their communities. You know,
47 in regards to addressing how to increase that moose population
48 within that area. So I guess the question is what are you
49 doing to try to meet that directive?

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1 MR. MCCLELLAN: Well we are -- like I said, I neglected
2 to say about Birch Creek, we haven't had any contact with them
3 recent. We've had recent contact with Beaver and Stevens
4 Village, but we're also -- we'll be contacting Birch Creek
5 about meeting with them also about the cooperative moose
6 management plan and we had hoped to address those issues in a
7 cooperative moose management plan.

8
9 MR. GINNIS: So I guess what are you doing in regards
10 to that, I guess I'm trying to get at? I mean how are you --
11 how are you getting the.....

12
13 CHAIRMAN FLEENER: How are you managing moose?

14
15 MR. GINNIS:identifying the people that's going
16 to help you in this cooperative effort? How are you -- is it
17 being done through letter or is it being done by meeting with
18 them face-to-face?

19
20 MR. HEUER: Telephone calls and face-to-face. We've
21 been dealing with Arlene up in Beaver, you know, trying to
22 setup a meeting up there. We've been talking to Ben Stevens in
23 Stevens Village and Randy. I just wanted to mention that, you
24 know, that the reason that Birch Creek was not included in this
25 survey is that we basically changed our sampling technique a
26 little bit this year. And we did that just because the last
27 time we did a survey in 25(D) west, we covered -- what was it
28 4,500 square miles?

29
30 MR. MCCLELLAN: Yes.

31
32 MR. HEUER: And it was an extremely expensive survey.
33 It cost like \$60,000 to do one moose survey. Obviously we
34 can't afford to do that very often. So by redesigning our
35 survey and focusing on areas closer to the river where the
36 higher moose concentrations are and where most of the use takes
37 place, we felt like we could get good information on a more
38 routine basis like every other year instead of once every five
39 years.

40
41 MR. GINNIS: Yeah. Again, I'd just like to say that I
42 -- maybe, you know, the area that you've done the survey in is
43 great, you know, everything is fine, basically count up how
44 much moose is in that area. But you're leaving out a community
45 that I think is hurting for moose. So that's why I keep saying
46 that we've got to address that issue. And the only way that
47 it's going to be addressed is simply by setting up this
48 cooperative moose management group -- planning group. And, you
49 know, start seriously talking about how to address that problem

50 right there within the Birch Creek community. And, like I

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1 said, I'm glad to see that a survey has been done and there are
2 moose in that area obviously, but I think that there needs to
3 be much more that can be done in regard to the Birch Creek
4 area.

5
6 So I don't know if you're setting any time lines to
7 address this because it's getting a little tiresome for me to
8 have to bring this issue up continuously at these meetings.
9 And I hope you do set some time lines to try to -- at least, by
10 our next meeting here whenever it's going to be, September or
11 October that you might be able to present here, some
12 cooperative management plan to address the decline in the moose
13 population.

14
15 CHAIRMAN FLEENER: Yeah. Something good that I think
16 would be worth suggesting would be using Paul Williams, your
17 employees, you know, standing representative and has a lot of
18 knowledge about moose and he would be good to work on this type
19 of committee. Do you have any idea how much this moose survey
20 cost?

21
22 MR. HEUER: About \$11,300.

23
24 CHAIRMAN FLEENER: Eleven thousand three hundred, okay.
25 Is there any other.....

26
27 MR. GINNIS: Mr. Chairman?

28
29 CHAIRMAN FLEENER: Yes, Steve.

30
31 MR. GINNIS: One more question. These surveys that are
32 -- that you folks conduct, are they -- can tribes contract
33 those types of services? Can tribes through some kind of a
34 contract do those types of studies?

35
36 MR. HEUER: If they had the expertise to do the types
37 of study and they had the planes and pilots and observers and
38 all that.

39
40 MR. GINNIS: No, I mean you're going to give us the
41 money to do it, that's what.....

42
43 MR. HEUER: I'm saying it's a possibility.

44
45 MR. GINNIS: Okay.

46
47 MR. HEUER: If you had the qualified people to do it
48 and could meet certain standards. You know, we prob.....

49

MR. GINNIS: What kind of education do you need to

00141

1 count moose?

2

3 MR. HEUER: Good eyes for one. Our people are, you
4 know, trained in doing that and there's a lot of statistics
5 involved in doing the survey right. It -- it's not as easy as
6 it sounds. It takes experienced pilots. It's a low level
7 operation, it's dangerous.

8

9 MR. GINNIS: We're teachable.

10

11 MR. HEUER: I realize that.

12

13 CHAIRMAN FLEENER: Yeah. I don't think it's a -- you
14 might want to point out, it's not the counting part that's
15 really the difficult part, it's the paperwork afterwards and
16 the studying of -- the stuff beforehand, which we could do, I'm
17 not saying we can't, but those are the complicated parts.

18

19 MR. HEUER: Sure.

20

21 CHAIRMAN FLEENER: Counting them is nothing, although
22 you do need good eyes.

23

24 MR. MAYO: Yeah. This will be part of your materials I
25 want to request is the refuge budget and breakdown of different
26 programs and the 638 contractible programs that tribes are
27 eligible to contract so we can sit down and begin the
28 negotiations.

29

30 MR. HEUER: We don't have a final budget yet this year
31 ourselves, but as soon as we do I'll get with you Randy. As
32 far as programs that are 638 type programs, almost all of our
33 programs could be contracted just -- it's a discretionary type
34 thing. We don't have a -- not that I'm aware of, any
35 compacting type programs where it would be mandatory, you know,
36 if you guys applied to do it. So you know, there's
37 opportunities for working together and cooperating on things.
38 As far as compacting opportunities, they're probably pretty
39 limited.

40

41 CHAIRMAN FLEENER: When do you think your budget would
42 be available?

43

44 MR. HEUER: Soon, I hope. We were expecting it by now,
45 so anytime.

46

47 CHAIRMAN FLEENER: Okay. So we can expect to hear from
48 you anytime, then?

49

MR. HEUER: Right.

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1 MR. GOOD: Mr. Chairman?

2

3 CHAIRMAN FLEENER: Nat, do you have a question?

4

5 MR. GOOD: Just one comment. I notice on the surveys
6 here, you don't have any areas as far as a bull/cow ratio that
7 goes lower than 30:1 or 30:100. Everything's in excess of that
8 and yet most places would be striving to reach a ratio of 30:1.
9 And just one comment on spotting moose, I have done it with
10 Fish and Game and if your eyesight is correctable, that's okay,
11 too.

12

13 CHAIRMAN FLEENER: Okay. Maybe we can move on to the
14 next item, Ted.

15

16 MR. HEUER: Just a real quick update on our black bear
17 monitoring efforts. We completed our second year of our bear
18 monitoring study. Still no more mortality of animals. We
19 currently have 18 radio collared black bears in the western
20 portion of the refuge. We track those on a weekly basis during
21 the summer. Again we're looking at habitat references, whether
22 or not they're using burned areas, rate of reproduction, size
23 of ranges and et cetera. And that study will -- we're not
24 planning on radio collaring anymore animals, but we will
25 continue to track animals that are collared until those collars
26 fall off.

27

28 CHAIRMAN FLEENER: What was the main reason -- I heard
29 you just say that you wanted to see if they used burned areas,
30 but is there -- has no studies like this been done in the State
31 or in the country where you guys felt it necessary?

32

33 MR. HEUER: There's been almost no studies done in our
34 part of the country, up in the Yukon Flats or in the Interior
35 really there hasn't been that much work done on black bears.

36

37 CHAIRMAN FLEENER: And you think -- okay, all right,
38 thanks.

39

40 MR. HEUER: That's it, unless there are questions.

41

42 CHAIRMAN FLEENER: Is there any questions? None, thank
43 you Ted. Alaska Department of Fish and Game.

44

45 MR. MATHEWS: No.

46

47 CHAIRMAN FLEENER: Oh, I'm sorry, that's right, never
48 mind.

49

MR. SCHULTZ: I'm Bob Schultz, assistant refuge

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1 manager, Tetlin National Wildlife Refuge.

2

3 MS. HYSLOP: And I'm Polly Hyslop and I'm the refuge
4 information technician and I was just recently hired. And I
5 have to say that I want to commend all you gentlemen up there,
6 you almost need a college education to be where you're at
7 because this is a really in-depth issue and it's been pretty
8 educational for me today. I have a college education and I
9 can't say that I know as much as any -- I don't think I know a
10 whole lot about this issue, but I do understand it is a very
11 controversial issue and that is probably one reason that I am
12 here today. This is a hot seat, I realize -- that much I've
13 learned. But I also know that we can all try and understand
14 and work together. Because this issue of subsistence will not
15 go away and it has to come to some place where we can find some
16 zone of comfort. And I'm glad to be meeting all of you and
17 probably this won't be the last time we see each other. And
18 hopefully at some point in the future that we'll come to some
19 agreement.

20

21 And as a refuge information technician, one of the
22 things I do is I represent Athabaskan Upper Tanana Indians in
23 the Northway area. And Northway is one of the first -- is the
24 first village that people come across the border come in
25 contact with. And what the refuge has done is they're --
26 they're putting out -- they're called -- well, I call them
27 signs and my two years in Northway -- I was born in Northway,
28 but my two years there I've started to learn the Athabaskan
29 language there and I'm using what I've learned to incorporate
30 it with the refuge there. And that's one of my -- one of the
31 things that I'm doing in Northway. And also I'm -- I'm trying
32 to make contact with all the tribal councils. I see that one
33 of the issues is that there's not a whole lot of communication
34 with the tribal councils. And although we are -- you know, the
35 agencies are on the hot seat, also tribal councils also have to
36 be reaching out also to the agencies because it's a two-way
37 street. And we -- if we work together and try to see and
38 understand each other I think we can get a lot more
39 accomplished.

40

41 MR. SCHULTZ: I'd just like to update you on some of
42 the other things that we're doing down on the Tetlin. For the
43 people in the audience and for the board members from Yukon
44 River may not understand where the Tetlin Refuge is. If you
45 look over here on this wall here on the map on the lower right-
46 hand corner where I've got that rather crude white arrow, that
47 pink area there is the Tetlin Refuge. On the east we're
48 bordered by the Yukon Territories, to the south Wrangell-St.
49 Elias National Park and Preserve, on the west is the Tetlin

50 Native Corporation lands and to the north is basically Northway

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1 Native Corporation lands and private in-holdings.

2

3 We're the first public lands to greet the people coming
4 up the Alaska Highway, some 750,000 people annually. The
5 Tetlin Refuge is rather unique. Of the 16 refuges in Alaska,
6 we're the only ones in addition to having the four main
7 purposes for the establishment of the refuge of protection of
8 fish, wildlife, water quality and allowing subsistence uses on
9 the land. We have a fifth use, interpretation of environmental
10 education and this is a big part of our program. As Polly
11 says, we have a number of signs along the highway. We've
12 developed with the Department of Transportation seven pull-outs
13 in addition to our visitor's center. At those seven pull-outs
14 and at our visitor's center we have interpretation panels that
15 describe everything from the role of fire, how the rivers were
16 used as highway by early people there, how our land ownership
17 exists in the area. And we're working with the Northway people
18 to try to get two additional panels, one on customary and
19 traditional uses in the area and also on the issues of
20 subsistence. We've got an opportunity -- a window to try to
21 educate 150,000 people annually that come up the highway there.

22

23 A couple of the other things that we have going on, in
24 the past, we've used our information -- or refuge information
25 technician to assist the six Upper Tanana villages, plus the
26 Upper Copper River village of Mentasta there in developing any
27 proposals or developing any nominations for the subsistence
28 council here.

29

30 There's just a couple more things, the moose season for
31 '96 went off as planned, the last 10 days in November. We
32 advertised the hunt through the local newspaper and also we
33 posted fliers throughout the communities of Northway and Tok.
34 We issued 20 permits for that hunt. Ten of those permittees
35 braved the cold, we had minus 35, minus 45 degree weather to
36 partake of that hunt. No moose were harvested this year. We
37 have not opened up the caribou season this year. The caribou
38 came through about two weeks earlier than we expected towards
39 the end of September. About three-quarters of the Nelchina
40 herd and about two-thirds, three-quarters of the Mentasta herd
41 there. They came through the refuge this year and just blew
42 right on through and went north of the highway. The State
43 opened up the State winter season that includes the refuge
44 lands and all of the rest of the lands in GMU 12 that are north
45 of the refuge. They opened it up on October 17th and it will
46 probably remain open well into March, so the subsistence needs
47 can be met through that season right there.

48

49 Looking down the road, this trapping issue, most of you

50 folks indicated it as a concern, it's a concern of us and the

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1 refuge people out there. We put a piece in the local paper and
2 also we've contacted three or four of the more prominent
3 trappers that trap the Tetlin Refuge lands. From that we've
4 got about seven to eight inquiries. We have assisted two
5 individuals in preparing responses that have been sent in.
6 Coming up in Oct -- in February, we're working with Polly and
7 our carpenter pilot, Don Carlson, we're putting on a trapping
8 education program in the Tok school and hope to get one going
9 down in the Northway school. Don is an avid trapper with a lot
10 of expertise. We're working with Fish and Game, we're working
11 with the Fish and Wildlife protection officer in the area.
12 We're going to go into the classroom targeting the seventh
13 graders. We're going to go in for a hour of classroom
14 instruction and then we're going to take them out, hopefully on
15 the Tetlin Native Corporation lands, there they'll work Don
16 Carlson and Danny Grandguard, two well known trappers in the
17 area, they'll learn how to set traps. And we're going to try
18 and cover, not only muskrat trapping, marten** trapping, but
19 we're going to get into setting snares. Hopefully each
20 individual that goes on that, they will be allowed to set on
21 muskrat and one upland trapping set so we'll have a good chance
22 to educate them. They're going to leave them set in the field
23 for a week and then they're going to go back out and take
24 everything down. We're going to cover the whole gamut. The
25 humaneness of setting traps, the selling the traps, how to
26 skin, how to stretch and the whole works.

27
28 That's about it. Any questions either at me or Polly
29 here?

30
31 CHAIRMAN FLEENER: No questions it looks like, thank
32 you very much.

33
34 MR. SCHULTZ: Thank you.

35
36 MR. MATHEWS: Mr. Chairman, the next opportunity would
37 be for the Alaska Department of Fish and Game to bring up its
38 reports and following that will be other agencies, including
39 Native corporations, tribal councils, village councils, et
40 cetera.

41
42 MR. HAYNES: Mr. Chairman, I'm Terry Haynes with the
43 Department of Fish and Game, Subsistence Division. I'm one of
44 the Department representatives on our State/Federal Subsistence
45 Liaison Team. Also here tonight from the Department, Fred
46 Anderson and Keith Schultz. Fred is with the Sport Fish
47 Division and Keith is with the Commercial Fisheries. If you
48 have questions concerning their areas of expertise, I'm sure
49 they'd be happy to try to answer them. Several wildlife

50 conservation staff had planned to be here. Craig Gardner from

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1 Tok had planned to fly in and I assume the weather conditions
2 prevented him from flying in. Bob Stephenson, who's the area
3 biologist for the Yukon Flats is on jury duty, so he was unable
4 to commit to coming. And Tim Osborne, who is in the Galena
5 office and who has responsibility for some of the area around
6 the Nowitna Refuge, he recently retired and his replacement,
7 Jim Woolington is just getting settled in. So if you have
8 questions that concern areas of expertise of our wildlife
9 biologist, I will take those back and try to get answers back
10 to you as soon as possible.

11
12 At your last meeting I was assigned to get answers to
13 two questions that had come up during the course of the
14 meeting. The Council had written a letter to the Board of
15 Fisheries, actually submitted a resolution to the Board of
16 Fisheries last year concerning the factory trawlers in the
17 Bering Sea. I was asked to see what the Board of Fisheries
18 had done with that letter. And basically what they do when
19 they get letters that address topics that are outside their
20 area of responsibility, which was the case in this instance,
21 factory trawlers are operating beyond the three mile limit,
22 which is waters outside the State's jurisdiction, they use that
23 kind of information when they talk with the North Pacific
24 Fisheries Management Council to make sure they're aware of
25 issues that are concerning advisory committees, regional
26 councils and other groups in the State. And as I believe I
27 heard this morning, there's been some other communication with
28 the North Pacific Fisheries Management Council about this
29 issue.

30
31 Another matter that came up at the last meeting was the
32 Tanana airboat proposal that Mr. Starr brought to the meeting
33 and I was asked to take that on to the State. The board -- the
34 board section coordinator for the Interior region, Jim Marcott,
35 indicated the best way to have that proposal addressed is to
36 see that it's on the Board of Game agenda for next spring at
37 which time the Board of Game will be taking up Interior region
38 proposals and meeting in Fairbanks. So what I will do is make
39 sure that Jim is in contact with Mr. Starr to ensure that the
40 information is there that is needed for a proposal. It may be
41 that the advisory committee or your group may want to submit
42 something on the proposal form, but I will have Jim Marcott get
43 back to you on that.

44
45 One item that is in your folder was a letter from the
46 Commissioner from the Department of Fish and Game concerning
47 interactions between the Department and the Federal Subsistence
48 Office. I guess in your folders you have a memo from Tom Boyd
49 concerning a Federal agency memorandum of agreement with the

50 Alaska Department of Fish and Game and attached to that is a

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1 letter from our commissioner to the Fish and Wildlife Service.
2 Basically what that letter discusses are some areas of concern
3 that the Department has, especially as the Federal Subsistence
4 Board moves into regulating subsistence fisheries on navigable
5 waters. We haven't proposed a memorandum of agreement yet.
6 The letter to David Allen from the commissioner identifies some
7 concepts that are of interest to the Department and these are
8 areas of concern that the Department has to ensure that as the
9 Federal Board expands its responsibilities that there is better
10 communication between the State and Federal Board, the State's
11 advisory committees and the Regional Councils and that more
12 areas for public involvement are explored. Obviously moving in
13 to fisheries management is a very different situation than
14 wildlife management, much more complex and we want to ensure,
15 you know, that there is good communication so there is as
16 little duplication of effort is possible. That there's
17 recognition that the Department is very experienced in this
18 area and it's a very different world.

19
20 We are also looking for ways for the Department to
21 improve its participation in the Federal regulatory process.
22 One area where I hope that you'll see some change, at least, I
23 hope you'll want to see this change in the coming years is we
24 hope that we will have Department Staff attending Regional
25 Council meetings and be more actively involved in your review
26 of proposals. Bringing information to you that would resemble
27 information and reports that we might present to the Board of
28 Game and to the Board of Fisheries when it gets to that point.

29
30 We also want to look at more cooperative management
31 planning. You all obviously have an interest in that. The
32 Department is, I think making some steps forward in recognizing
33 that cooperative management planning involves more than just
34 agency-to-agency relationship. The Forty-mile management plan
35 has been discussed here a couple of times, that's been a very
36 good effort, I think at involving all the various interests.

37
38 CHAIRMAN FLEENER: Can I ask you a question while
39 you're on that?

40
41 MR. HAYNES: Yes.

42
43 CHAIRMAN FLEENER: How will do you think the
44 legislature, I don't know how the State people handle the -- if
45 you want to work cooperatively with tribes, I think that they
46 can't establish cooperative management tribes or something like
47 that right now; is that the case?

48
49 MR. HAYNES: Well, I think one of the areas of concern

50 is where tribes are looking to assume management authorities.

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1 And at this point, I think because of the recent position of
2 the Venetie case, obviously there are people in the State that
3 want to see what that actually is going to mean on the ground.

4
5 CHAIRMAN FLEENER: Well, even if it wasn't that type of
6 a co-management deal, if it was just getting together and
7 working on, say, moose management, is the State willing to make
8 those types of cooperative management agreements with the
9 tribal entities? Like the Forty-mile caribou herd, that's not
10 a -- is that a cooperative management with a tribal entity or
11 is that with just different groups of people?

12
13 MR. GINNIS: You're waking up everybody here.

14
15 MR. HAYNES: That's a little bit hard to say because
16 there were representatives from villages who participated, but
17 I don't -- when they signed off they weren't necessarily
18 signing off as a tribal government. I think there are ways for
19 the Department to work cooperatively with tribal entities and
20 other agencies. I believe there are things we can do without
21 getting into that controversial area. Certainly the Department
22 is working with local government entities and Federal agencies
23 developing -- looking at cooperative management planning for
24 the Western-Arctic caribou herd. So I think there are various
25 ways that we can interact with tribal entities and, you know,
26 avoid some of the controversial areas. That would be my hope.

27
28 At this meeting when you get into discussing regulatory
29 proposals, the Department has commented on a number of those
30 proposals and if you want our comments as part of your
31 discussion, I'll be happy to provide those for you if they're
32 not provided by Vince or someone else.

33
34 MR. MATHEWS: On that, Mr. Chairman, all I'll do is
35 summarize it and then ask if the State wants to elaborate on it
36 and I do have copies and public booklets of their comments, the
37 full text for those that may want to read it at a break or at a
38 different time.

39
40 MR. HAYNES: One area I wanted to spend just a minute
41 on is this morning when you were discussing your annual report
42 to the Secretary and you were talking about the tables that
43 Vince had included that summarized harvest information from
44 some of the Division of Subsistence surveys that had been
45 conducted. We agree that some of that information probably
46 does not accurately reflect the harvest that did occur during
47 the time period when we conducted our surveys. We're limited
48 by what people will tell us when we conduct surveys. We
49 encourage people to be accurate, we ensure that they know that

50 we're not there to cite them or cause them grief if they

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1 harvested animals -- resources out of season. Our interest is
2 ensuring that there's good information available for the use
3 when it comes before the Board of Game, Board of Fisheries.
4 What I can tell you about a lot of that information that was in
5 the tables that Vince had put together, it was much better than
6 the information that was available before we did those studies
7 and we're continually looking for ways to improve the quality
8 of the work that we do. We're also looking at ways where we
9 can provide technical assistance to other organizations that
10 are doing studies. And a good example of that is the work that
11 CATG has been doing. We provided technical assistance in
12 training their staff and showing them how we did our studies
13 reflecting harvest information, but then stepping aside, our
14 role ended in helping to train their staff and provide
15 expertise that would benefit that program. We believe that
16 having good harvest information is important. And for
17 wildlife, the harvest ticket system in the Department is not
18 accurate for rural Alaska. It captures very little of the
19 harvest and we're continually looking for ways to get better
20 information because we think that is very important.

21
22 I would encourage the Council if it has the time and
23 the interest to review the Board of Game proposal that the
24 Forty-mile caribou management team has submitted. If that is
25 something that is of interest to you and you have feelings on
26 it, I'd encourage you to think about submitting some comments
27 that reflect your interest and concern in what's going on out
28 there.

29
30 And that's all I have right now. If you have
31 questions, I'll try to answer them.

32
33 CHAIRMAN FLEENER: Randy.

34
35 MR. MAYO: Yeah. You mentioned about this information
36 not being accurate and then you mentioned about trying to find
37 some ways of trying to get better information. You know, one
38 of the most things people are hesitant about why they don't
39 want to give the information is fear of prosecution under State
40 or Federal law, you know, that's one of the biggest hindrances
41 you're coming across that's why you don't get accurate
42 information. You know, a lot of that information is used
43 against us, you know, plus the fear of the State and Federal,
44 you know, getting charged with something.

45
46 CHAIRMAN FLEENER: If I can comment on that. I know I
47 was working with CATG when they were going through this
48 training and one of the things we asked for was some guarantees
49 that we could tell the people that we were talking to and

50 getting information from that they wouldn't be prosecuted. We

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1 asked the Federal government side and we asked the State side
2 for some paper saying, if we give this information we won't be
3 prosecuted. And the surprising thing is the State provided us
4 with one saying we will not -- we guarantee that we won't
5 prosecute people to give information, but the Federal
6 government didn't give us one and they said that they couldn't
7 guarantee that we wouldn't prosecute. So I just wanted to
8 bring that up.

9
10 MR. HAYNES: Mr. Chairman and Randy, that's one thing
11 that anytime we've done these household surveys and which we
12 did in Stevens Village a number of years ago, we always try to
13 make it very clear that the Staff in the Division of
14 Subsistence are not deputized, we couldn't cite you if we
15 wanted to. We also treat survey information as confidential
16 information, we don't provide that to other people. But we
17 understand, it's still a concern because once you give
18 information away you don't necessarily know what's going to
19 happen to it. In the case of the Division of Subsistence, our
20 reputations are at stake and I'm not aware of any situation
21 where information provided to our Division has resulted in
22 someone being cited by the -- by regulatory authority. But we
23 realize it still is a concern.

24
25 CHAIRMAN FLEENER: Okay, we have Philip.

26
27 MR. TITUS: I lost it.....

28
29 MR. GINNIS: You forgot what you were going to say?

30
31 MR. TITUS: Apparently you're trying to conduct -- they
32 should be given to the tribal councils to have somebody in the
33 village do the survey instead of somebody from town coming out
34 and start asking questions about what we catch and what you got
35 to eat. This is food people gather for themselves and -- and
36 it's against our custom to say I got this many -- this much --
37 it's sort of like bragging when you say, this is what I got.
38 But if you're telling the outsider that it's really -- that's
39 how I feel. If some outsider asked me what I got, I just tell
40 him, I don't know, I got enough to eat, but I don't know if it
41 will last all winter. But if a friend asks me I'll tell him
42 the truth because if he -- if he needs something to eat, I'll
43 be glad to share with him. But if some agency asks me, I might
44 speak with forked tongue.

45
46 CHAIRMAN FLEENER: Steve you have a question?

47
48 MR. GINNIS: Yeah, Terry, I -- I guess I -- I don't
49 know how to frame my question to you here. Basically what I'm

50 trying to get at is I know you work within the Subsistence

00151

1 Division for the State of Alaska, but I still don't quite
2 understand what it is you do. I guess what I'm trying to get
3 at here is that I think there's a need, at least, from the area
4 that I come from out in the Yukon Flats, to maybe start looking
5 at some sort of a subsistence management plan of the resources
6 out there. And I don't know what -- you know, what's going on
7 in that area, if you're doing anything in that area at all.
8 What I'm talking about is similar to what I'm trying to
9 accomplish through these c&t findings. We need some help out
10 there to begin the process of identifying our traditional and
11 customary use areas. And so I don't know what you can offer in
12 regards to that, but if there's anything you folks can do to
13 give us -- to help us get going on that, I'd appreciate that,
14 you know.

15
16 MR. HAYNES: Mr. Chairman, Steve, maybe you and I can
17 talk more about that. I believe that one way to start is to
18 look at back in the early 1980s we conducted a survey in many
19 of the Yukon Flats communities and that included documenting
20 areas that communities used for harvesting various resources.
21 We also put together some detailed place name map documenting
22 traditional places that had names -- had been named by the
23 people. So there are some resources currently available that
24 might help you start in that regard. But I think what you're
25 talking about is something we haven't done before and it might
26 be worth seeing if we could figure out exactly how you would
27 like to approach that and see if that's something that we have
28 the staff and the skills to work with you on. We have a major
29 problem in the Division right now, in that, we continue to get
30 budget cuts from the Legislature every year and an increasing
31 proportion of our budget is from other sources of funding,
32 which doesn't give us a lot of flexibility in what our staff
33 are doing. So if we're going to approach new kinds of
34 projects, we have to identify funding that will support our
35 involvement. And if that's something that, you know, comes to
36 the top of the list as an important priority for the division,
37 then we can try to figure out a way to do that. But maybe you
38 and I need to talk more about that.

39
40 CHAIRMAN FLEENER: If I can make a comment on that. I
41 think the Division has already made a big statement in saying
42 that they want to improve relationships with Native groups
43 around Alaska. I think that just going on that right there we
44 could start working together, you know, there's a big gap of a
45 working relationship and I agree that the time has come that we
46 need to start working together in doing things instead of
47 working against each other.

48
49 Any other -- yeah, Randy.

00152

1 MR. MAYO: Yeah. I'd just like to follow-up on the
2 question Steve asked of Terry. You know in the early '90s we
3 did our traditional land use plan out of our traditional lands
4 that back in the 1930's the BIA had field agents out in the
5 villages documenting traditional use areas that the tribes
6 governed themselves and that other tribes recognized. And
7 that's what we're basing our traditional land use plan on and
8 it's the 60 square mile area that encompasses over a million
9 acres and this is the land I'm talking about, we lost 80
10 percent of that land because of land claims just so the oil
11 could go through. So, you know, I have all those documents
12 from that field agent that was in the village at that time, 60
13 some years ago and you know, this didn't come from the outside.
14 They sat down with those tribal people, the chiefs and the
15 elders and they drew this person a map, you know, they sent in
16 and -- to the government as -- you know, for our reservation.
17 So you know, these communities, you have to go to dig up those
18 documents because from Rampart all the way to Ft. Yukon, even
19 to Circle, it would have been one big reservation, you know,
20 with each village governing their own territory. But like I
21 said before, the mining industry got involved and blocked that
22 move in Congress, so you know, we did it with a grant, you have
23 to go back and look through the archives and get all those old
24 records and you know, ask your elders, you know, where the
25 traditional lands were and then, you know, that's where you
26 make your borders.

27
28 CHAIRMAN FLEENER: Any other questions for Terry? No
29 questions, thank you, Terry.

30
31 MR. HAYNES: Thank you.

32
33 CHAIRMAN FLEENER: Vince.

34
35 MR. MATHEWS: All we have left under agency reports
36 would be we decided early on in the meeting we may want to
37 revisit that to talk with the representative from Venetie
38 tribal council concerning their caribou and sheep issues.

39
40 CHAIRMAN FLEENER: He's coming up right now.

41
42 MR. MATHEWS: I know it's late in the evening, but.....

43
44 CHAIRMAN FLEENER: I don't see a problem.

45
46 MR. MATHEWS: Mr. Chairman, earlier on I passed out the
47 letter from Arctic Village tribal council looking like this,
48 with large bold on the top, Calvin Tritt is passing out another
49 memo I gather, would be a better way of saying it, from the

50 Native village of Venetie tribal government, that's kind of in

00153

1 a bullated format and Calvin will talk.

2

3 MR. TRITT: It's late and I got the flu and I'm tired.
4 We had a meeting last week in Arctic Village, a tribal meeting
5 and a lot of members of the tribe -- tribal council expressed
6 their concern especially on the sheep and the caribou migration
7 and allotment and Old John Lake. I just want to go through it
8 real fast.

9

10 What they want us to extend Red Sheep Creek farther --
11 farther up north, that management protection -- is that what
12 you call them -- and they believe that it should be monitored
13 and studied and have a head count. We also appointed a new
14 natural resources person, his name is Earl Henry. And we want
15 to have someone from the tribe to go along with the head
16 counting of the sheep. We believe that we should give the
17 sheep a chance to mature, between five and 10 years because
18 there's a lot of hunters that goes in there with a plane and we
19 have no control over that unless you give us an airplane.

20

21 And the other main topic we have is a lot of our
22 experts -- biologist experts up there, they have about 70 to 80
23 years of experience monitoring this caribou migration and their
24 lifestyle and they are our elders. And they recommend to us
25 that if they interrupt their migration route, which is over in
26 Sheenjik, they believe that that cause the route -- the caribou
27 change the migration route. We want to see if we could
28 restrict that during the migration period, which is July and
29 August and there are a lot of activities there also.

30

31 And we got Old John Lake, which is surrounded by
32 allotments, most of it and there is a lot of float plane
33 activities there which we are very concerned about. So I
34 talked to Greg McClellan and I asked him to -- I asked him if
35 he could come up with his Arctic Refuge manager to meet with
36 the tribe and discuss these matters here. And first week of
37 June we will be having our annual tribal meeting and this is
38 when we'll iron out all the concern and our problems. There
39 are a lot of different problems that we have, but I don't think
40 we have time to discuss that because we'll be taking all night
41 here.

42

43 CHAIRMAN FLEENER: Vince, do you know if there are any
44 proposals addressing any of these issues at the present?

45

46 MR. MATHEWS: Mr. Chairman, there are no proposals for
47 sheep in the unit that's in question here, no.

48

49 CHAIRMAN FLEENER: And the caribou question also?

00154

1 MR. MATHEWS: Well, let me rephrase that. We do have
2 proposals that are dealing with customary and traditional use
3 of sheep and caribou for Unit 25. But we do not have any
4 seasons or harvest limits or requests for management area
5 changes or establishing management areas in this round.
6

7 CHAIRMAN FLEENER: So nothing particular to this --
8 okay. So would these be better addressed if the Council
9 chooses in proposal form or a form of a motion to support
10 or.....
11

12 MR. MATHEWS: At this time I did consult with other
13 Staff about a proposal, if you took the option of developing a
14 proposal on this issue, it would be best to wait on that until
15 your fall meeting to bring that proposal up as an Eastern
16 Interior Proposal or to have Arctic Village or Venetie or a
17 combination thereof or individuals submit proposals based on
18 these concerns. That would be your other option. On proposal
19 format on the format of taking action presently would be to
20 reiterate your concern about sheep usage in this area. I don't
21 remember any discussion by this Council on caribou migrations.
22 But Steven has been pretty good on reminding us of all past
23 meetings, so maybe he remembers. But I don't remember any
24 discussion on caribou migrations on the Sheenjik, but the sheep
25 one you have that Council has been intimately involved in with
26 the sheep management area over the years.
27

28 MR. GINNIS: Well, I think Vince, this request if I
29 read it correctly regarding the Red Sheep Creek area, it's
30 asking -- it would be a proposal change to move it further
31 north.
32

33 MR. TRITT: Correct.
34

35 MR. GINNIS: Okay. And so if there's no objection I'd
36 like to move that the Regional Council support this request and
37 that the Staff assist the Venetie Tribal Government to develop
38 a proposal to address this issue at the next proposal cycle.
39

40 MR. GOOD: I second that.
41

42 CHAIRMAN FLEENER: There's a motion and a second. Is
43 there any discussion? Go ahead, there's discussion.
44

45 MR. GINNIS: See this needs to be written in a proposal
46 form. So what I'm doing is I'm asking the Council to support
47 your request and also moving that -- I mean part of the motion
48 is also to have the Staff assist you to put this in a proposal
49 form. And the next cycle for proposals is when?

00155

1 MR. MATHEWS: Next fall.

2
3 CHAIRMAN FLEENER: Next fall.

4
5 MR. GINNIS: Next fall.

6
7 MR. TRITT: Okay. So that's.....

8
9 MR. GINNIS: I mean that's all we can do with it right
10 now because we're right in the middle of a cycle right now, I
11 think. I don't know, you need to explain that Vince, so that
12 he understands that this will be addressed in the next cycle.

13
14 MR. MATHEWS: Yes. The cycle that we're going through
15 is that there's usually a proposed rule or call for proposal
16 that goes out, that's in September, correct, Bill?

17
18 MR. KNAUER: August/September.

19
20 MR. MATHEWS: August/September that we mail across the
21 State. And at that time people can submit proposals for
22 changes. Then those proposals could be brought in as draft
23 forms to the Council for support or they just go in directly.
24 We publish a book in November of the proposals, they go out for
25 public comment and then that closes in January -- January 28th,
26 usually mid-January. Then Bill works with this intimately and
27 does the whole proposal book. And then from there those public
28 comments are submitted, drafted, an analysis is done and that's
29 what's being -- will be presented starting tomorrow morning.
30 The Council makes its recommendation, that goes to the Board.
31 The Board takes action on it in April. Whatever actions they
32 take that require changes in regulations, they go in effect
33 July 1. That's the cycle.

34
35 Mr. Tritt has brought up an issue that is a little out
36 of cycle, but I don't think it's loss because this Council has
37 spent a lot of time. But I think they needed to be educated on
38 the current condition. It would probably be best that the
39 request that's in front of us here be turned into a proposal
40 that the entities here, Arctic Village and Venetie would agree
41 to. I mean the Staff is not going to edit what you want to do,
42 we're just going to assist you in getting what you want in a
43 proposal form. That's, I think, Steven is saying.

44
45 CHAIRMAN FLEENER: Okay, Vince, hold on a second.
46 There's also a request for monitoring and a proper study. What
47 can we -- what action can we take to help that go along.

48
49 MR. GINNIS: Proper study for what, caribou?

00156

1 CHAIRMAN FLEENER: For the Red Sheep area -- if you
2 look in letter B, the third line up says, Red Sheep subsistence
3 areas need to be monitored and a proper study done.

4
5 MR. MATHEWS: What would be done with that is as we
6 talked about earlier, that's a land management issue, that
7 doesn't mean you can't do anything. It just means that it's --
8 it can't be addressed in regulation. We do have Craig here
9 from -- who represents Arctic -- the National Wildlife Refuge
10 said you could take some kind of action that he would take back
11 to the Refuge staff. The manager's saying that.....

12
13 CHAIRMAN FLEENER: Okay, that's good, thanks. Just to
14 try to speed things along, is there any more discussion on this
15 motion?

16
17 MR. MAYO: Mr. Chairman?

18
19 CHAIRMAN FLEENER: Yes.

20
21 MR. MAYO: I'd like to make a quick comment on this. I
22 remember this was similar to our proposal over the Dall River
23 to create the management area. We're having the same problems
24 in Stevens. And I support this proposal. I remember it got
25 deferred also, they were kind of the same. And this is a good
26 example of, you know, the Agencies and the decision makers
27 disregarding traditional knowledge and wisdom and our sciences
28 -- you know, Native sciences, like Calvin mentioned, you know.
29 None of that is taken into account. These requests are denied
30 based on the Agencies biologists that don't really know what's
31 out there on the land. But it's, you know, the Dall River one
32 and this one are, you know, the same.

33
34 I just wanted to mention that.

35
36 CHAIRMAN FLEENER: Thanks, Randy. Is there anymore
37 discussion.

38
39 MR. SAM: Mr. Chairman?

40
41 CHAIRMAN FLEENER: Yes.

42
43 MR. SAM: I'd like to make a little comment on that.
44 On that Red Sheep Creek, Arctic Village people will have used
45 it for years and where the airport is located up there --
46 gravel airport, there's very low ground there and homestead, I
47 mean Native allotments and that place was being used for
48 numbers of years, like I said. In the past, I brought this
49 before the Council about survey on sheep and management of that

50 sheep. The reason -- the purpose behind this letter that was

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1 written to Council here is because, number one, it's the number
2 -- one of the type of place up there with the hikers, hunters,
3 you name it, you know, thousands of people go up there. And
4 that's where our -- most likely our hunting ground is.

5
6 CHAIRMAN FLEENER: Yeah. I think it sounds like we're
7 pretty much in support of it, if we could continue on with the
8 motion if there's no more discussion.

9
10 MR. GOOD: Question.

11
12 CHAIRMAN FLEENER: Question's been called. All in
13 favor signify by saying aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN FLEENER: All opposed, same sign.

18
19 (No opposing votes)

20
21 CHAIRMAN FLEENER: Motion carries. Is there anything
22 else you want to add?

23
24 MR. TRITT: Okay. Like I said, we going to meet
25 with.....

26
27 CHAIRMAN FLEENER: Greg.

28
29 MR. TRITT: Greg and Jim with the tribe and the tribe
30 members before June and then we're going to have -- I wish I
31 could invite Steve to go out to our tribal meeting in the first
32 of June or whoever wants and hear the concern of tribal members
33 and tribal council.

34
35 I want to thank you for listening and for your interest
36 on this meeting.

37
38 CHAIRMAN FLEENER: Thanks, Calvin.

39
40 MR. TRITT: Any questions?

41
42 MR. GINNIS: Yeah, I do have one, Mr. Chairman.

43
44 CHAIRMAN FLEENER: All right.

45
46 MR. GINNIS: I think there's another issue here that
47 was raised about the migration route of the caribou. And is
48 that something that, Ted, you guys are going to address? Can
49 you meet with him or is that something that should be addressed

50 here?

00158

1 MR. TRITT: That's a good question.

2

3 MR. MATHEWS: Well, I understood the motion to be that
4 it would be covering both.

5

6 MR. GINNIS: No, no, there's two issues here. One has
7 to do with the.....

8

9 MR. TRITT: The sheep.

10

11 MR. GINNIS:the sheep, okay. And the motion that
12 I made to support their request and that the Staff assist the
13 Venetie tribal government in developing a proposal. Okay,
14 that's the issue with the sheep.

15

16 Now, the other issue seems to be the migration of the
17 caribou. What do you call it -- go ahead.

18

19 MR. MCCLELLAN: If I might add, I've talked with Calvin
20 a couple times today and I made commitment to him that we would
21 get with the folks at Arctic -- and we would get with the folks
22 at Arctic Village and Venetie and talk about everything that he
23 laid out in that letter as far as the Red Sheep, the caribou
24 migration and also the things that Old John Lake.

25

26 CHAIRMAN FLEENER: And are you going to make it to this
27 meeting, the next meeting that he was talking about?

28

29 MR. MCCLELLAN: Yeah. I told Calvin that as far as the
30 June 1 meeting that I would check with our folks at Arctic and
31 we would try to definitely be there unless there was some other
32 conflict and if not, if we could reschedule it.

33

34 CHAIRMAN FLEENER: Okay. Anymore questions? No more
35 questions, thank you Calvin, Greg.

36

37 MR. GOOD: Let's recess until morning, Mr. Chair.

38

39 MR. GINNIS: You guys can stay here if you want.

40

41 CHAIRMAN FLEENER: Do you want to stay here longer?
42 We'll recess until 9:00 o'clock.

43

44 (MEETING RECESSED)

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C E R T I F I C A T E

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UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 02 through 158
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THAT the transcript is a true and correct transcript
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the best of my knowledge and ability;

THAT I am not an employee, attorney, or party
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DATED at Anchorage, Alaska, this 14th day of February,
1997.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00